

**CONCURRING OPINION OF COMMISSIONER POTTER  
TO ADVISORY OPINION 1992-6**

After the Commission's extensive modification of the draft advisory opinion as a result of our debate, and based on the facts and circumstances presented by the requester, I voted in favor of the Advisory Opinion issued in this matter.

As I stated during the agenda discussion of February 13, 1992, my concern in this matter was, and remains, that the Commission not unduly restrict the traditional role of universities as forums for free speech. This role does not disappear during an election year. Indeed, universities often provide forums for political discussion in states such as Iowa and New Hampshire during the early stages of the Presidential primaries. This traditional role is of considerable benefit not only to the University's students, faculty, and neighbors, but to the democratic process as a whole.

Opportunities for citizens to personally hear and see candidates for public office in non-partisan settings, and to engage the candidates in discussion and debate, are all too rare in our campaign process today, and are to be encouraged, not discouraged. Therefore, I continue to believe the Commission should grant the widest possible latitude to organizations like Vanderbilt University (a Section 501(c)(3) not for profit educational institution prohibited by law from engaging in political activities), so that Universities or their students

can continue such traditional university activities as sponsorship, on a non-partisan basis, of open forums and speeches by political candidates in university facilities. I do not believe that either the wording of the Federal Election Campaign Act, or the intent of Congress in drafting the law, require that the Commission treat a non-partisan Vanderbilt University student forum as if it were an attempt by Enormous Conglomerate Inc. or United Labor Unions of America to funnel illegal contributions to a federal candidate. A little common sense in recognizing the legitimate role in public life of University forums for open speech would go a long way towards allowing our democracy to function.

Furthermore, I am also in agreement with the concurrence issued by Chairman Aikens in this matter concerning the inapplicability of Advisory Opinion 1990-5 to this matter.

  
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Trevor Potter  
Commissioner

March 18, 1992