



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: The Commission

FROM: Trevor Potter *JAB*
Commissioner

RE: 11/12/92 Statement of Commissioner Trevor Potter
regarding Advisory Opinion 1992-38

I regret that a previously scheduled appearance on behalf of the Commission prevents me from being present this morning.

Were I present I would vote in favor of the Office of the General Counsel's draft Advisory Opinion 1992-38. The Clinton/Gore campaign committee request is consistent with previous Commission guidance in this area, and until the Commission formally revises its policies it would be unfair to treat this campaign differently from those which have come before it.

Nevertheless, as a general matter, I believe the Commission should revisit the legal and accounting compliance fund exemption and review both the existence and scope of this exemption. In my opinion, the legal and accounting fund, a creation of the Commission, has grown far beyond its intended bounds. As a result, it provides the spectacle of high profile private fundraising by a presidential campaign which has forsworn this very activity. This can only sow confusion about the public funding system. However, I have consistently taken the position that if the Commission makes a significant change in policy it should do so through the rulemaking process. Therefore, until the Commission conducts a rulemaking in this area I feel compelled to agree with the recommendation of the Office of the General Counsel.

cc: Marjorie Emmons
Lawrence Noble
Bradley Litchfield