

INSIDE THE BELTWAY

By John McCaslin

Uh-oh

Are Sen. Hillary Rodham Clinton and Elton John breaking U.S. laws by allowing the British pop singer, a foreign national, to raise hundreds of thousands of dollars for Mrs. Clinton's presidential campaign by performing a concert on her behalf?

That's the question Inside the Beltway put to the Federal Election Commission (FEC) yesterday, which does not rule out the possibility.

First, some background supplied by the FEC: The goal of the 1966 Foreign Agents Registration Act (FARA) was to "minimize foreign intervention" in U.S. elections by establishing a series of limitations on foreign nationals. In 1974, the prohibition was incorporated into the Federal Election Campaign Act (FECA), giving the FEC jurisdiction over its enforcement and interpretation.

According to the FEC, FECA "prohibits any foreign national from contributing, donating or spending funds in connection with any federal, state, or local election in the United States, either directly or indirectly. It is also unlawful to help foreign nationals violate that ban or to solicit, receive or accept contributions or donations from them. Persons who knowingly and willfully engage in these activities may be subject to fines and/or imprisonment."

The question now is whether Elton John is contributing "indirectly" to Mrs. Clinton's campaign and whether the candidate herself has sought to "solicit, receive or accept contributions or donations" from a foreign national, which is unlawful.

That said, the act does provide a volunteer "exemption" as long as the foreign national performing a service is not compensated by anyone. But this exemption gets tricky and might not apply to Elton John.

Consider that in a 1987 advisory opinion, the commission allowed a foreign national student to provide uncompensated volunteer services to a presidential campaign. By contrast, a 1981 FEC decision prohibited a foreign national artist from donating his services in con-

nection with fundraising for a U.S. Senate campaign.

"There are a series of advisory opinions issued over the years surrounding situations kind of like this, but not exactly like this," FEC spokesman Bob Biersack told Inside the Beltway yesterday. "That's the problem with an advisory opinion — they're not the same, but they do provide some sense of where the commission stands."

Mr. Biersack said he doesn't know whether the Elton John performance would be considered unlawful by FEC standards. As of yesterday, only \$1,000 and \$2,300 seats remained for sale for the concert, scheduled for April 9 at Radio City Music Hall in New York.

A complaint would have to be filed with the FEC before the commission could issue an advisory opinion, and even then it would remain confidential until completed, Mr. Biersack said.

That said, this column is unable to determine whether a complaint already has been filed, perhaps by the Barack Obama campaign.

Set himself up

"Wait a minute," writes Inside the Beltway reader Mitch Moschetti of Mills River, N.C., after reading our item this week on Elton John performing a fundraising concert in New York next month on behalf of Sen. Hillary Rodham Clinton's presidential campaign.

"Didn't Elton John say this country was racist for failing to support a black contestant a couple years ago on 'American Idol?'"

Good memory, Mitch. Indeed, Sir Elton did decry the voting process of the "American Idol" TV show as racist, despite the fact that the votes for the contestants are phoned in by the American public.

Sen. Barack Obama will choose four ordinary Americans who have donated money to his campaign by 11:59 p.m. on March 31 for an intimate dinner to discuss their most important issues.

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"The three people I was really impressed with — and they just happened to be black, young female singers — all seem to be landing in the bottom three," the British pop singer complained back in 2004. "They have great voices. The fact that they're constantly in the bottom three — and I don't want to set myself up here — but I find it incredibly racist."

Dine and dish

Saying that too many political fundraisers are hosted by Washington lobbyists and filled with representatives of special interests, Sen. Barack Obama will choose four ordinary Americans for what his campaign is calling an intimate dinner with the candidate.

The only catch is you must first make a donation in any amount to his campaign between now and 11:59 p.m. Monday, March 31. The four winners then will get to sit down with the presidential candidate and talk about the issues most important to them.

Who pays for the diners' transportation to the dinner was not spelled out.

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