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January 15, 1998

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N. Bradley Litchfield, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Supplement to
AOR 1997-27

Re: Advisory Opinion Request 1997-27

Dear Mr. Litchfield:

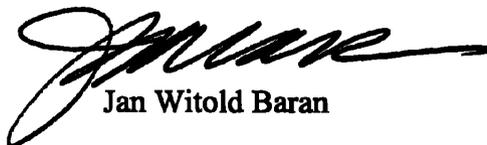
This letter is in response to the questions raised in your December 30, 1997 letter.

As stated in our Advisory Opinion Request, Congressman Boehner intends to use any damages awarded in his suit to cover legal expenses. In the event that he receives funds exceeding this amount, any excess would be contributed to charity. Mr. Boehner will not accept any personal financial benefit from the transaction. Accordingly, Mr. Boehner will adopt the procedures and structure the Commission determines are required to ensure that he makes no prohibited "personal use" of campaign funds. 2 U.S.C. § 439a; 11 C.F.R. § 113.1(g).

It is anticipated that any damages awarded to Mr. Boehner will not be taxable as income to him. If the award is taxable as income to him, then he anticipates that he would make any charitable contribution deductions only against that taxable income. In any event, Mr. Boehner will ensure that his financial activities are structured so that he does not receive any direct or indirect tax or other financial benefit from the damage award.

I trust this responds to your inquiries.

Sincerely,



Jan Witold Baran