

OBC



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: THE COMMISSION  
STAFF DIRECTOR  
GENERAL COUNSEL  
FEC PRESS OFFICE  
FEC PUBLIC RECORDS

FROM: COMMISSION SECRETARY *MWD*

DATE: January 22, 2001

SUBJECT: COMMENT PROPOSED AO 2000-40

Transmitted herewith is a timely submitted comment from Congressman Jim McDermott.

Proposed Advisory Opinion 2000-40 is on the agenda for Thursday, January 25, 2001.

Attachment:

1 page

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FEDERAL ELECTION  
COMMISSION  
SECRETARIAT  
Congress of the United States  
House of Representatives  
Washington, DC 20515 JAN 22 8 05 AM '01

CO-CHAIRMAN  
AFRICA TRADE AND  
INVESTMENT CAUCUS  
CO-CHAIRMAN  
U.S.-INFORMAL INTERPARLIAMENTARY  
WORKING GROUP

January 19, 2001

Dear Ms. Dove:

Thank you for sending along the draft **ADVISORY OPINION 2000-40**. I have a few suggestions to make about the statement of Factual Background. I think it should read as follows :

This matter involves a civil suit against you filed by Representative John Boehner of Ohio alleging .... The suit alleges that: In December 1966, Mr. Boehner, then the Chairman of the House Republican Conference, participated, via cellular telephone from Florida, in a conference call with several other House Republican leaders. The participants...to discuss the tape.

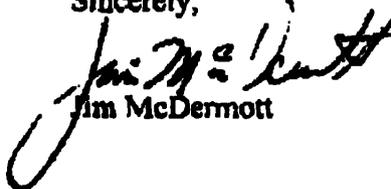
The suit further alleges that the couple personally delivered the tape to you on January 8, 1997; that you were then the ranking Democratic Member of the Ethics Committee and that on that next day you gave copies of the tape to three major newspapers which then ran stories on the party leaders' conversation....

Mr. Boehner filed the civil suit against you in U. S. District Court in the District of Columbia in March 1998. In July 1998, the district court granted your motion to dismiss the case, concluding that your actions, as alleged in this law suit, were protected by the First Amendment.....

I very much appreciate the timely way the Commission has moved to respond to my question.

With best regards.

Sincerely,



Jim McDermott

Ms. Mary Dove  
Acting Commission Secretary  
Federal Election Commission  
999 E Street, N. W.  
Washington, D. C. 20463