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January 7, 2008

Kim Collins
 Federal Election Commission
 999 E Street NW
 Washington, DC 20463

VIA FACSIMILE & U.S. MAIL: 202.219.3923

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 FEDERAL ELECTION
 COMMISSION
 OFFICE OF GENERAL
 COUNSEL
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Re: Client-Matter No. MUR 5949

Dear Ms. Collins:

On behalf of Obama for America ("Respondent"), this letter is submitted in response to the complaint filed by Kirk W. Tofte ("the Complaint") and subsequently labeled MUR no. 5949. A Designation of Counsel is attached. The Complaint fails to allege a violation of federal campaign law election law, and it should be immediately dismissed.

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would "describe a violation of a statute or regulation over which the Commission has jurisdiction." 11 C.F.R. §§ 111.4(a), (d) (2007). Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation. See Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons, MUR 4960 (Dec. 21, 2001).

The Complaint alleges that Obama for America has engaged in coordination with an Internet website, www.iowatrueblue.com. Under the Commission's regulations, this allegation – even if true – does not state a violation of law.

The definition of a coordinated communication includes only a communication that is "a public communication." 11 C.F.R. § 109.21(c). The definition of a "public communication" "shall not include communications over the Internet, except for communications placed for a fee on another person's Web site." *Id.* § 100.26. Because Mr. Fischer's website is not

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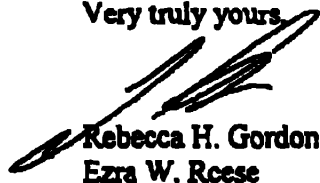
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included in the definition of a "public communication," coordination between his website and Obama for America could not result in a coordinated communication. Therefore, even if the Complaint's allegations are entirely true, the Complaint does not describe a violation of law. As a result, under 11 C.F.R. § 111.4(d), the Complaint should be immediately dismissed against Respondent.

In advancing this ground for dismissal, which is conclusive, the campaign is not acquiescing in any implication of "coordination" as a matter of fact. The Complaint suggests coordination but does not allege any facts to show consultation between the campaign and the Fisher website. Indeed, the allegation of coordination is comprised only of claims that the content of Mr. Fischer's website echoed themes and messages of Obama for America. This would not even constitute "coordination" if the coordination rules applied — which they do not. For these reasons, Respondent respectfully requests that the Complaint be immediately dismissed.

Very truly yours



Rebecca H. Gordon
Ezra W. Rcese

Counsel to Obama for America