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MARK V. HOLDEN  
SENIOR VICE PRESIDENT  
GENERAL COUNSEL & SECRETARY

CELA

VIA EMAIL (JJORDAN@FEC.GOV & DRAWLS@FEC.GOV)

September 7, 2016

Mr. Jeff S. Jordan, Assistant General Counsel  
Attn: Donna Rawls, Paralegal  
Office of Complaints Examination and Legal Administration  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20436

Re: MUR 7101

Dear Mr. Jordan:

On July 25, 2016, the Federal Election Commission ("FEC") notified my client, Mr. Charles Koch, by letter of a complaint filed by Free Speech for People and Campaign for Accountability, among others, against ten so-called "Super PACs." While Mr. Koch is not named as a target of the complaint, his name does appear – once each on pages 28 and 29, respectively, of the 34-page document – as a person who contributed to the Super PAC Freedom Partners Action Fund, Inc.

The complaint does not accuse Mr. Koch of any wrongdoing, nor could it credibly do so. It is, therefore, unclear why the FEC sent a letter alleging that he may have violated the federal campaign finance laws. Nevertheless, because the letter invites a response, I am providing the following information to the FEC as counsel for Mr. Koch in the spirit of cooperation.

On May 24, 2016, Mr. Koch made a contribution of \$3,000,000 to the Freedom Partners Action Fund. On October 17, 2014, Mr. Koch, via his Charles G. Koch 1997 Trust, made a contribution of \$3,000,000 to the Freedom Partners Action Fund. These contributions were made in full compliance with federal campaign finance laws, as interpreted by both the FEC and the federal courts. *See McCutcheon v. FEC*, 572 U.S. \_\_\_, nt. 2 (2014) ("A so-called 'Super PAC' is a PAC that makes only independent expenditures and cannot contribute to candidates. The base and aggregate limits govern contributions to traditional PACs, but not to independent

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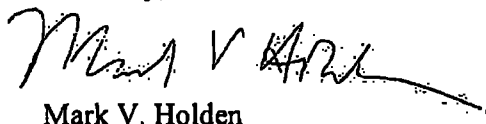
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expenditure PACs.”); Advisory Opinion 2010-11 (Commonsense Ten). The complaint readily and repeatedly acknowledges this fact and recognizes that the Super PAC’s receipt of these contributions was permissible. Accordingly, Mr. Koch should not be subject to further enforcement proceedings for something that is not a violation of the campaign finance laws, particularly given that neither the contributor nor the recipient is accused of any wrongdoing in the complaint. The FEC should find that Mr. Koch acted consistent with the law and did not violate the law. Accordingly, the FEC should dismiss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Holden", with a long horizontal flourish extending to the right.

Mark V. Holden

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