

Rob Portman.com

for US Senate

September 17, 2010

Jeff S. Jordan, Esquire
Supervising Attorney
Complaints Examination and Legal Administration
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
2010 SEP 20 PM 12:40
OFFICE OF GENERAL
COUNSEL

Re: MUR 6357 – Portman for Senate Committee

Dear Mr. Jordan:

This will respond to your letter concerning MUR 6357, a complaint filed against American Crossroads.

While the Portman for Senate Committee ("Committee") is mentioned in the complaint filed by the Ohio Democratic Party, not even they allege that the Committee in any way violated the Federal Election Campaign Act or the Federal Election Commission's Regulations. Indeed, the Committee did not. Even if the facts alleged in the complaint are true they do not constitute a violation by the Committee.

The reason for that is simple. As the Complaint at 4, n. 7 acknowledges, the video at issue is publicly available on YouTube. No one at the Committee had any contact with American Crossroads about this or any other communication. The Commission's Regulations and precedent make clear that in situations like this one, a campaign cannot be held liable if a third party republishes campaign material that is publicly available on the internet. See 11 C.F.R. § 109.21; 11 C.F.R. § 109.23; 71 FR 33205; see also MUR 5743 (Betty Sutton).

As a result, no action should be taken against Portman for Senate or me as treasurer.

Respectfully submitted,



Natalie K. Baur
Treasurer

Paid for by Portman for Senate Committee

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