United States District Court
Eastern District of Virginia
Richmond Division

The Real Truth About Obama, Inc. *Plaintiff,*	
v.	**Case No.** 3:08-cv-00483-JRS
Federal Election Commission and **United States Department of Justice,** *Defendants.*	

Affidavit of Kevin Allen

I, Kevin Allen, declare as follows:

1. I am the Incorporator of RTAO and a member of the Board of Directors.

2. I have personal knowledge of RTAO and its activities, including those set out in the foregoing *Second Motion for Preliminary Injunction*, and if called upon to testify I would competently testify as to the matters stated herein.

3. RTAO has developed a new ad entitled "Survivors," the script of which is as follows:

> **NURSE:** The abortion was supposed to kill him, but he was born alive. I couldn't bear to follow hospital policy and leave him on a cold counter to die, so I held and rocked him for 45 minutes until he took his last breath.
>
> **MALE VOICE:** As an Illinois Democratic State Senator, Barack Obama voted three times to deny lifesaving medical treatment to living, breathing babies who survive abortions. For four years, Obama has tried to cover-up his horrendous votes by saying the bills didn't have clarifying language he favored. Obama has been lying. Illinois documents from the very committee Obama chaired show he voted against a bill that did contain the clarifying language he says he favors.
>
> Obama's callousness in denying lifesaving treatment to tiny babies who survive abortions reveals a lack of character and compassion that should give everyone

pause.

Paid for by The Real Truth About Obama, Inc.

4. RTAO plans to broadcast "Survivors" on the radio in heartland states during the "electioneering communication" blackout period sixty days before the general election (Sep. 5-Nov. 4, 2008), so "Survivors" will meet the electioneering communication definition at 2 U.S.C. § 434(f)(3).

5. RTAO also plans to place "Survivors" on its website.

6. Because RTAO fears an enforcement action by defendants it is chilled from going forward with these activities and in the absence of judicial relief RTAO will not broadcast "Survivors" nor display it on its website.

7. In addition to the activities set out in RTAO's Complaint and *Second Motion for Preliminary Injunction*, RTAO would like to participate in materially similar activities in the future, including broadcasting ads materially similar to "Change" and "Survivors," and using solicitations materially similar to that included in the verified complaint.

8. I affirm under the penalties for perjury under the laws of the United States of America that the foregoing statements are true and correct.

Executed on Aug. 20, 2008.

Kevin Allen

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