



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

APR 26 2010

Americans for Jobs
2000 M Street NW Suite 800
Washington, DC 20036

RE: MUR 6021
Americans for Jobs

Dear Sir or Madam:

On September 26, 2008, the Federal Election Commission notified Americans for Jobs of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to Americans for Jobs at that time. On October 20, 2008, the Commission notified Americans for Jobs of a supplement to the initial complaint, and a copy of the supplement was forwarded to you at that time. On January 12, 2010, the Commission notified Americans for Jobs of additional information from the complainant pertaining to the allegations in the complaint, and a copy of this additional information was forwarded to you at that time. After considering the circumstances in this matter, the Commission, on April 13, 2010, voted to dismiss the complaint as to Americans for Jobs, and closed the file in this matter. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

If you have any questions, please contact Roy Q. Lockett, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Susan L. Lebeaux
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Americans for Jobs

MUR 6021

I. INTRODUCTION

The complaint in this matter alleges that Americans for Jobs, a Section 527 organization that was active during the 2004 election cycle, violated the Act by failing to register and report as a political committee. Specifically, the complaint alleges that Americans for Jobs raised and spent \$1 million during the 2004 election cycle opposing Howard Dean’s candidacy through television advertisements. As discussed below, the Commission has determined to exercise its prosecutorial discretion and dismiss the allegation as to Americans for Jobs.

II. FACTUAL AND LEGAL ANALYSIS

According to the complaint, Americans for Jobs made expenditures of \$1 million to influence the 2004 presidential election. Complaint at 19-20. Americans for Jobs reportedly ran television advertisements before the New Hampshire and South Carolina primary elections that challenged Howard Dean’s foreign policy qualifications to be President.

The complaint concludes that Americans for Jobs was subject to the Act’s registration and reporting requirements, but failed to comply. Complaint at 15. Americans for Jobs did not respond to the complaint.

The available information indicates that Americans for Jobs is either defunct or has ceased operations. Specifically, this organization filed its final IRS report in July 2004, reporting \$0 in receipts. In addition, while the activity at issue occurred in 2004, the complaint was not filed until 2008. Thus, among other reasons, the age of the alleged violations would create problems of proof and raise obstacles under the five-year statute of limitations. Under these

- 1 circumstances, the Commission has determined to exercise its prosecutorial discretion and
- 2 dismiss the allegations that Americans for Jobs violated 2 U.S.C. §§ 433 and 434(b). *See*
- 3 *Heckler v. Chaney*, 470 U.S. 821 (1985).

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