



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**BY FACSIMILE AND U.S. MAIL**

Mr. Andrew Herman  
Brand Law Group  
923 Fifteenth Street, N.W.  
Washington, D.C. 20005

**AUG 11 2008**

RE: MUR 5726  
Jack Davis for Congress and Robert R. Davis, in his  
official capacity as treasurer  
Jack Davis

Dear Mr. Herman:

On January 19, 2007, the Federal Election Commission found that there is probable cause to believe your clients, Jack Davis for Congress and Robert R. Davis, in his official capacity as treasurer, violated 2 U.S.C. §§ 441a-1(b)(1)(C) and 441a-1 (b)(1)(D) and 11 C.F.R. §§ 400.21(b) and 400.22(b), and that Jack Davis violated 2 U.S.C. §§ 441a-1 (b)(1)(C) and 441a-1(b)(1)(D). On June 26, 2008, the Supreme Court issued its decision in *Davis v. FEC*, 128 S. Ct. 2759 (2008) and found Sections 319(a) and 319(b) of the Bipartisan Campaign Reform Act of 2002 — the so-called "Millionaires' Amendment"— unconstitutional because they violate the First Amendment to the U.S. Constitution. The Court's analysis in *Davis* precludes enforcement of the reporting requirements of the Amendment. Therefore, after considering the circumstances of this matter, the Commission determined on July 29, 2008, to take no further action as to the Committee and Jack Davis, and closed the file in this matter.

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 me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracey L. Ligon", is written over a horizontal line.

Tracey L. Ligon  
Attorney