



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MR # 323P

DATE FILMED 5/10/91 CAMERA NO. 7

CAMERAMAN AS

91040841269

National Republican Senatorial Committee

OGC 0394

MUR 3238

SENATOR PHIL GRAMM
CHAIRMAN

March 12, 1991

91 MAR 18 PM 3:49

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Mr. John McGarry
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Mr. Chairman:

This letter constitutes a formal, sworn complaint pursuant to 2 United States Code, section 437(g) and sets forth reasons to believe that violations of the Federal Election Campaign Act have been committed by Mr. Thomas Dyson, 6908 Balalaika Road, Dallas, Texas 75241.

This complaint concerns a series of fundraising appeals made by Mr. Dyson, using the mails of the United States, in which Mr. Dyson represents himself to potential donors as the "Executive Director" of the "Republican Presidential Task Force." A copy of a fundraising solicitation which was sent by Mr. Dyson is attached as "Exhibit A." You will note that Mr. Dyson encloses with his solicitation a copy of a membership card once issued to him by the Republican Presidential Task Force of the National Republican Senatorial Committee ("NRSC"), in an apparent effort to lend credence to his solicitation and to establish his bona fides as the "Executive Director" of the Task Force.

As you may know, the Republican Presidential Task Force is a fundraising program of the National Republican Senatorial Committee and was created by President Ronald Reagan and Republican Members of the United States Senate in 1981. All funds raised on behalf of the NRSC through the Republican Presidential Task Force are subject to the limitations of the Federal Election Campaign Act and are fully disclosed to the public through the Federal Election Commission.

In July of 1990, the Republican Party of Missouri brought to my attention a copy of Mr. Dyson's solicitation which they had received in the mail. On July 17, 1990, I wrote to Mr. Dyson and explained that he was soliciting funds on behalf of the Republican Presidential Task Force without the authorization of the NRSC. In

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that letter, a copy of which is attached as "Exhibit B," I asked Mr. Dyson to immediately cease and desist from any further fundraising solicitations on behalf of the Task Force. As you will note from "Exhibit B," Mr. Dyson's agent acknowledged receipt of my letter on July 23, 1990.

For reasons unknown, Mr. Dyson continues to solicit contributions using the name of the Task Force. As a result, violations of the Act continue and I am compelled to bring this matter to your attention.

Because these solicitations have occurred over the course of several years, it seems clear that Mr. Dyson has acted so as to meet the definitional standard of a "political committee" (2 United States Code 431(4)(A)), without taking any of the steps necessary to comply with the organizational or reporting requirements of the Act as set forth at 2 United States Code sections 432, 433 and 434.

Given these apparent facts, I ask that the Commission find "reason to believe" that Mr. Dyson has violated the Act. I also ask that the Commission seek a full and complete accounting of all "contributions" received by Mr. Dyson over the last several years in connection with solicitations which were fraudulently made in the name of the "Republican Presidential Task Force." In addition, I ask the Commission to seek a full and complete accounting from Mr. Dyson of all "expenditures" made by Mr. Dyson in connection with these solicitations. Lastly, I ask that the Commission determine whether such "contributions" previously solicited and received by Mr. Dyson in the name of the Republican Presidential Task Force should be transferred to the NRSC together with a full accounting of the names and addresses of the contributors and the specific amount of each "contribution."

Thank you for your attention to this matter.

Sincerely,



William B. Canfield III
Legal Counsel

enclosures (2)

Sworn to and subscribed before me this 12th day of March, 1991.



Notary Public

My Commission Expires July 14, 1992

21040341271

Republican Presidential Task Force

6908 Balalaika Road

Dallas , Texas 75241

Dear Mr. Hawley:

The reason why I am writing you is to ask for your help and support in seeking contributions for the Republican Presidential Task Force. I could only afford to write Americans like you who I thought would be the most interested in helping our effort. Such as:

- (1). To establish a safe and sound social security and medicare system for today's seniors and tomorrow's seniors, too.
- (2). To establish a victims assistance bureau for "special-victims" (elderly, children, and sexual assault victims)
- (3). To establish special prevocational preparation programs targeted to inner-city youth, non-english speaking youth, and the youth of other urban and rural areas having a high density of poverty.
- (4). To establish some peer-groups tutoring programs by pairing youth ages 14-17 with youth ages 9-14, with the objective of reducing the opportunities and motivation for youths to experiment with illicit substances.
- (5). To establish an employee assistance program for all federal workers.
- (6). To acquire federal donate property for the homeless.
- (7). To engage in any scientific research that benefit humanity such as the harmful effect of pesticides on some farm crops.

Can I count on your help ? I hope so.

Now I'm sure you are called upon to help many worthy causes these days. But I hope you'll consider helping our important effort today by mailing a contribution to the Republican Presidential Task Force for as much as you can afford.

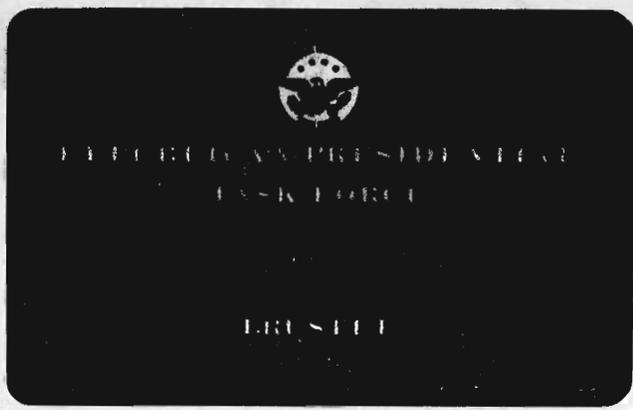
We must depend on voluntary support from concerned Americans like yourself to fund efforts like this.

Sincerely yours,
Thomas Dyson
Executive Director

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14



Resume of Project Director

Name: Thomas Dyson

Address: 6908 Balalaika Rd.

City & State : Dallas, Texas 75241

Tele # : (214) 372 - 9638

Education

Study

Years

Devry Technology

Electronic Engineer

4

El Centro Jr. College

Math

Semester

P.V.A.M. University

Electrical Engineering

2

Howard University

Electrical Engineering

2

U . T . A.

Electrical Engineering

1

Bishop College

Biology

1

4 Cedar Valley Jr, College

Biology

Jobs

Executive Director of the Republican Presidential Task Force

Counselor for 700 club in Dallas

Student-Trainee Engineer for N.A.S.A. @ Houston, Texas

President & C.E.O. for Papa company

Researcher in Biology @ U . T . A.

Sub-Teacher:

Duncanville I.S.D.

Lancaster I.S.D.

Wilmer-Hutchin I.S.D.

Tutor:

Howard University

U . T . A.

P . V . A . M . University

Bishop college

Honors

Vice-president of A.I.A.A. @ Howard University

Certificate of Award for Tutoring

Member of Americam Management Association

Tutor high school student on weekend @ Howard University

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Hypothesis: The " HI " Treatment

The inhibition of cell growth by hyperthermia a form of microwave radiation in concert with interleukin - 2 a growth factor, can increase beyond compare the response rate of cancer patients (hypothesis). Just by increasing the body temperature of these patients to 108.5F or 42.5C with respect to this new energy equation of the eukaryote and prokaryote cell, followed by the growth factor interleukin - 2.

$$Z = (Hz) * (Mo) * \left(\frac{RT}{F} \ln \frac{Na^{+out}}{Na^{+in}} + \ln \frac{K^{+in}}{K^{+out}} \right)$$

$$\text{Hence: } M^2 = \frac{Mo^2}{1 - v^2 / c^2}$$

Where:

Hz = Hertz

Mo = Rest mass

T = Absolute Temperature

R = The Gas Constant

F = The Faraday

Na = Sodium

K = Potassium

V = Velocity

C = Speed of light

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The income stream is a fixed percent (not less than 5%) of the net asset value of the trust, and is valued at least annually. As the value of the trust increases so does the income payout, providing a hedge against inflation.

Immediate benefits of a unitrust include:

1. A current income tax deduction
2. Bypass of capital gain taxes when sold
3. Usually an increase in income

There are also several future benefits.

Annuity Trust.

Like the unitrust, the donor qualifies for important tax benefits and an annual income stream. The major difference is that the annuity trust pays a fixed dollar amount based on the trust's initial value. (The fixed dollar amount cannot be less than 5% of the trust's initial value.)

An American Tradition.

Charitable gifting is an American tradition — one unparalleled by any other country. Through current tax laws our government encourages you to express your charitable support. Through careful planning you can: identify the method for making a contribution which best fits your situation; and maximize the impact of your gift on the charitable organizations you support.

We will be pleased to provide you with more information and assist in any way, as you consider the possibilities for your year end gifts.

Our assistance is provided without cost or obligation and is completely confidential.

Year End Gifts



Year End Gifts.

Careful planning today can result in a nice gift from Uncle Sam when tax time rolls around!

The federal government encourages charitable giving by providing some significant tax benefits when you make a gift to a qualified charity.

Your gift may be made in a number of ways — depending on your particular situation. And careful planning is the key to maximizing your benefits.

The following may be helpful as you consider the best way to make your year-end gift.

Cash.

Cash is still the most popular way to make charitable gifts. And your gift of cash to a qualified charity prior to December 31 could cost you much less at tax filing time.

For example, if you make a \$2,000 gift before December 31 and are in the 28% marginal tax bracket, your gift could save you \$560 in taxes.

The federal government recognizes the contribution non-profit organizations make to society and assist in making the gift *through tax deductions*.

Before December 31st		
A Gift of	Will actually cost you:	Will Save you:
1,500	1,080	420
2,500	1,800	700
10,000	7,200	2,800

... when you file your return.

© 1989 Carwell-Schultz, Inc.

*The appreciation portion of the asset may or may not trigger the Alternative Minimum Tax. Check with your professional advisor.

Securities.

Gifts of appreciated securities or stock can be *one of the most advantageous* ways of giving. If your gift of stock is one you have owned for more than one year, you may deduct the full fair market value of the stock as a charitable contribution, while bypassing all capital gain taxes*.

Real Estate.

Gifts of appreciated real estate are like gifts of appreciated stock. Assuming you have owned the property for more than one year, you may deduct as a charitable contribution the fair market value of real estate while avoiding all capital gain taxes*.

Insurance.

Life insurance is a *unique way to give* to charity. To qualify, the charity needs to become the *owner and beneficiary*. No incidence of ownership should be retained.

If the policy is paid up, your charitable contribution is generally the replacement value or cost basis of the policy, whichever is less. Ongoing premiums paid on a gifted life insurance policy also qualify for charitable deductions.

Personal Property.

Gifts of tangible personal property related to the charity's exempt purposes are fully tax deductible at fair market value. Gifts of tangible personal property given to charity which are *not* related to its tax-exempt purposes are limited to cost basis for determining your tax deduction.

Unitrust.

The unitrust provides a unique way to give — offering substantial tax savings *while providing an annual income to you or your family*.

The unitrust is funded with an asset — appreciated property or securities are usually best. Within the unitrust, the assets can be sold and the proceeds reinvested to produce a greater yield for the donor(s) or beneficiary(s).

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent the card from being returned to you. The return receipt fee will include you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addresser's address.

(Extra charge)

2. Restricted Delivery

(Extra charge)

3. Article Addressed to:

Mr. Thomas Dyon
6908 Balalaika Road
Dallas, Texas 75241

4. Article Number

P 234 898 870

Type of Service:

Registered Insured
 Certified COD
 Express Mail Signature Required

Always obtain signature of addressee

or agent and **DO NOT SIGN**

Addressee's Address (ONLY if requested and for post)

Signature - Addressee

Signature - Agent

Date of Delivery

7/23/90



P 234 878 870

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

NOT FOR INTERNATIONAL MAIL

(See Reverse)

U.S.E.R.O. 1585-204-005

Sent to

Mr. Thomas Dyson

Street and No.

6908 Balalaika Road

P.O., State and ZIP Code

Dallas, Texas 75241

Postage

\$ **25**

Certified Fee

85

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date Delivered

90

Return Receipt showing
Date, and to whom.

TOTAL Postage

\$ **200**

Postage



PS Form 3800, June 1965

COPY

July 17, 1990

Mr. Thomas Dyson
6908 Balalaika Road
Dallas, Texas 75241

Dear Mr. Dyson:

I am in receipt of a letter which you recently sent to the Missouri State Republican Party seeking contributions to support the "Republican Presidential Task Force." In the letter you identify yourself as the "Executive Director" of the Task Force and ask that contributions be returned to your address in Dallas, Texas.

As I'm sure you know, the "Republican Presidential Task Force" is a program of the National Republican Senatorial Committee, a national party committee regulated pursuant to federal law. As I'm sure you also know, you have not been authorized by the National Republican Senatorial Committee to raise funds or seek contributions on behalf of the National Republican Senatorial Committee.

By this letter, I request that you cease and desist any further fundraising efforts on behalf of either the "Republican Presidential Task Force" or the National Republican Senatorial Committee. Should you choose not to cease and desist with such fundraising, I am prepared to bring your activities to the attention of the United States Attorney in Dallas, Texas and to the Federal Election Commission for prosecution to the fullest extent of the law.

Sincerely,

William B. Canfield III

Certified Return Receipt Requested

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636-3273-fav

Republican Presidential Task Force

6908 Balalaika Road

Dallas , Texas 75241

Dear Ms. Campbell:

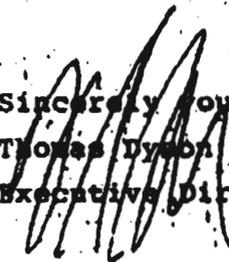
The reason why I am writing you is to ask for your help and support in seeking contributions for the Republican Presidential Task Force. I could only afford to write Americans like you who I thought would be the most interested in helping our effort. Such as:

- (1). To establish a safe and sound social security and medicare system for today's seniors and tomorrow's seniors, too.
- (2). To establish a victims assistance bureau for "special-victims" (elderly, children, and sexual assault victims)
- (3). To establish special prevocational preparation programs targeted to inner-city youth, non-english speaking youth, and the youth of other urban and rural areas having a high density of poverty.
- (4). To establish some peer-groups tutoring programs by pairing youth ages 14-17 with youth ages 9-14, with the objective of reducing the opportunities and motivation for youths to experiment with illicit substances.
- (5). To establish an employee assistance program for all federal workers.
- (6). To acquire federal donate property for the homeless.
- (7). To engage in any scientific research that benefit humanity such as the harmful effect of pesticides on some farm crops.

Can I count on your help ? I hope so.

Now I'm sure you are called upon to help many worthy causes these days. But I hope you'll consider helping our important effort today by mailing a contribution to the Republican Presidential Task Force for as much as you can afford.

We must depend on voluntary support from concerned Americans like yourself to fund efforts like this.

Sincerely yours,

 Thomas Dyon
 Executive Director

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 21, 1991

William B. Canfield III, Esquire
National Republican Senatorial Committee
425 Second Street, N.E.
Washington, D.C. 20002

RE: MUR 3238

Dear Mr. Canfield:

This letter acknowledges receipt on March 18, 1991, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Thomas Dyson. The respondents will be notified of this complaint within five days.

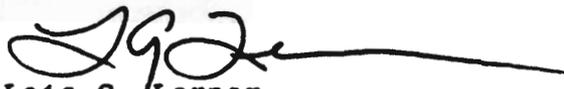
You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3238. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

91040841283



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 21, 1991

Thomas Dyson
6908 Balalaika Road
Dallas, Texas 75241

RE: MUR 3238

Dear Mr. Dyson:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3238. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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06-0573

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 APR -1 AM 11:09

Motion - For dismissal - Issues Moot

Thomas Dyson, defendant herein, moves that the complaint against him be dismissed without prejudice, for the reason that all of the issues involved in the complaint are moot and there is no justiciable case of controversy on which the Federal Election Commission can act.

This motion is based on the attached memorandum of points and authorities, and on all the pleadings, papers, and records in this complaint.

Dated 3/27, 19 91


Thomas Dyson
Director

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 APR -1 PM 3:58

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Memorandum Of Points And Authorities In Support Of
Motion - For dismissal - Issues Moot

I.

The federal rule of civil procedure, section 41(b) authorizes a demurrer or dismissal on the ground that the pleading does not state facts sufficient to constitute a cause of action.

Code of civil procedure, section 41(b) provides in part as follows.

(b) After the plaintiff, in an action tried by the court without a jury, has completed the presentation of his evidence the defendant, without waiving his right to offer evidence in the event the motion is not granted, may move for a dismissal on the ground that upon the facts and the letter of law the plaintiff has shown no right to relief.

The following is a list of all of the issues pertinent to the within written motion for demurrer or dismissal:

"First cause of action plaintiff alleged in his complaint and defendant, Thomas Dyson denied as follows:

- 1). Plaintiff believe that defendant violated the federal election campaign act.
- 2). Plaintiff stated in complaint that defendant has acted so as to meet the definitional standard of a "Political Committee" (2 United States Code 431(4)(A)), without taking any of the steps necessary to comply with the organizational or reporting requirements of the act as set forth at 2 United States code sections 432, 433 and 434.

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3). In the Federal Election Commission Vs. Machinists Non-partisan Political League, 1981, 655 f.2d 380, 210 U.S. App. D.C. 267, Certiorari denied 102 S. Ct. 397, 454 U.S. 897, 70 L. Ed. 2d 213, wherein it states a committees organized to "draft" a candidate for president aim to produce some day a candidate acceptable to them, but have not yet succeeded, and, therefore, "draft" groups are "Not" Political committees under (2 United States Code 431 (4)(A)).

4). Proof: Federal Election Commission Vs. Machinists Non-partisan Political League.

1). Issue: Plaintiff also allege that defendant misrepresented himself to donors.

2). Plaintiff states in his complaint "You will note that Mr. Dyson enclosed with his solicitation a copy of a membership card once issued to him by the Republican Presidential Task Force of the National Republican Senatorial Committee ("NRSC"), In an apparent effort to lend credence to his solicitation and to establish his bona fides as the "Executive Director" of the Task Force."

3). Defendant is a duly licensed Trustee, under license No. 857980 who is certified by the Republican Presidential Task Force with the solemn duty and attendant responsibilities of guiding and overseeing all programs and operation of the Republican Presidential Task Force "Not" the National Republican Senatorial Committee ("NRSC"). Also Bunn Vs. City of Laredo (Civ. App. 1919) 213 S.W. 937 States that all trustees must join in an act, or one must act for all, thus becoming the agent of the others.

4). Proof: Copy of certificate and trustee I.D. number, attached hereto as Exhibit A."

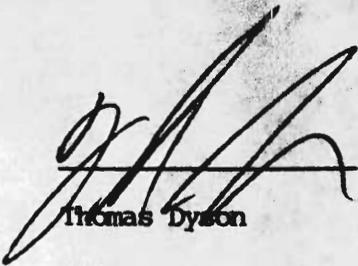
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MJR # 3238

Conclusion

Wherefore, this demurring defendant pray that this demurrer or dismissal be sustained without leave to amend; that plaintiffs take nothing by way of their complaint; and that this complaint be dismissed.

Dated: 3/27/51


Thomas Dyson

Director

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EXhibit "A"

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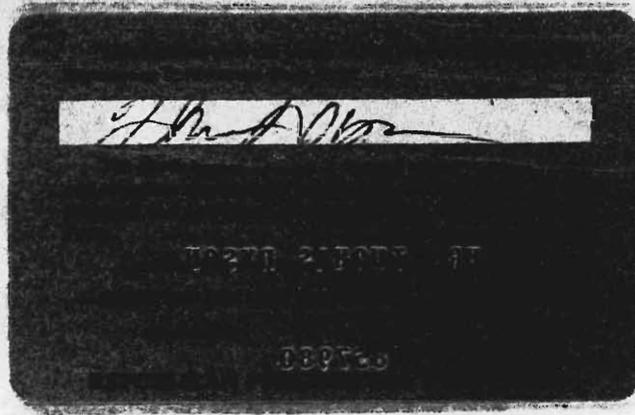


EXhibit "A"

91 APR 18 AM 11:17

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR 3238
DATE COMPLAINT RECEIVED
BY OGC: March 18, 1991
DATE OF NOTIFICATION TO
RESPONDENT: March 21, 1991
STAFF MEMBERS: George Rishel
Jeff Long

COMPLAINANTS: National Republican Senatorial
Committee and William B. Canfield,
III, legal counsel

RESPONDENT: Thomas Dyson

RELEVANT STATUTES: 2 U.S.C. § 431(4)
2 U.S.C. § 431(8)
2 U.S.C. § 431(9)
2 U.S.C. § 432
2 U.S.C. § 433
2 U.S.C. § 434
2 U.S.C. § 441a
2 U.S.C. § 441b
2 U.S.C. § 441d

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was generated by a complaint filed on March 18, 1991, by William B. Canfield, legal counsel, on behalf of the National Republican Senatorial Committee against Thomas Dyson. The complaint alleges that Dyson has been soliciting funds in the name of the Republican Presidential Task Force, describing himself as executive director, without registering and reporting as a political committee. Dyson filed his response on April 1, 1991.

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II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), defines a political committee to include any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or makes expenditures aggregating in excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4)(A). The Act further defines "contribution" and "expenditure" to mean any gift, subscription, loan, advance, or deposit of money or anything of value (or any purchase, payment, or distribution) made by any person for the purpose of influencing any election for federal office. 2 U.S.C. §§ 431(8)(A)(i) and 431(9)(A)(i).

The Act requires all political committees (other than authorized committees of a candidate) to have a treasurer and to keep records of all receipts and disbursements. 2 U.S.C. § 432. If a political committee is an authorized committee of a candidate, it must include the name of the candidate in the name of the committee. If a political committee is not an authorized committee of a candidate, it may not include the name of any candidate in its name. 2 U.S.C. § 432(e)(4). The Act further requires all political committees to file a Statement of Organization with the Commission and to file periodic reports of its receipts and disbursements. 2 U.S.C. §§ 433 and 434.

The complaint alleges that Thomas Dyson has been making fundraising appeals in which he represents himself as the executive director of the Republican Presidential Task Force. The fundraising solicitation includes a copy of a membership card

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once issued to him by the Republican Presidential Task Force. The complaint states that the Republican Presidential Task Force is a fundraising program of the NRSC, the receipts of which are subject to the limitations of the Act and disclosed on reports filed with the Commission. The complainant states that he has written Dyson and asked that he "cease and desist from any further fundraising solicitations on behalf of the Task Force." He has allegedly not done so.

Therefore, the complaint alleges that violations of the Act have occurred in that Dyson has become a political committee without taking the necessary organizational steps and registering and reporting with the Commission. The complaint asks for a complete accounting of all funds raised by Dyson and all expenditures made by him for these solicitations and whether such funds received should be transferred to the NRSC along with the necessary contributor information.

Attached to the complaint was a copy of one of Dyson's fundraising appeals. It consists of a letter signed by Dyson, a copy of his membership as a "trustee" of the Republican Presidential Task Force with a membership number, a copy of his resume, a sheet discussing hyperthermia, and a copy of the brochure of charitable gifts and their treatment under the tax laws. The letter states:

The reason why I am writing you is to ask for your help and support in seeking contributions for the Republican Presidential Task Force. I could only afford to write Americans like you who I thought would be the most interested in helping our effort. Such as:
(1). To establish a safe and sound social security and medicare system for today's seniors and tomorrow's seniors, too.

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- (2). To establish a victims assistance bureau for "special-victims" (elderly, children, and sexual assault victims)
- (3). To establish special prevocational preparation programs targeted to inner-city youth, non-english speaking youth, and the youth of other urban and rural areas having a high density of poverty.
- (4). To establish some peer-groups tutoring programs by pairing youth ages 14-17 with youth ages 9-14, with the objective of reducing the opportunities and motivation for youths to experiment with illicit substances.
- (5). To establish an employee assistance program for all federal workers.
- (6). To acquire federal donate property for the homeless.
- (7). To engage in any scientific research that benefit humanity such as the harmful effect of pesticides on some farm crops.

Can I count on your help? I hope so.

Now I'm sure you are called upon to help many worthy causes these days. But I hope you'll consider helping our important effort today by mailing a contribution to the Republican Presidential Task Force for as much as you can afford.

We must depend on voluntary support from concerned Americans like yourself to fund efforts like this.

The top of the letter carries the name "Republican Presidential Task Force" with Dyson's address in Dallas, Texas.

Dyson filed a document styled a motion to dismiss because the complaint was moot and the issues were not justiciable. He makes some reference to a portion of the Federal Rules of Civil Procedure and then cites to FEC v. Machinists Non-Partisan Political League, 655 F.2d 380, (D.C. Cir. 1981), for the proposition that "draft" committees are not political committees under the Act. This statement is evidently intended to be his response that he is not a political committee.

Dyson then claims he is a "trustee" of the Republican Presidential Task Force with a "license" numbered 857980, which

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gives him (not the NRSC) the responsibility of overseeing all programs and operation of the Task Force. He then cites a case for the proposition that all trustees must join in an act, or one must act for all, thus becoming the agent of the others. He then attaches a copy of his card from the Task Force. These statements are evidently made in response to allegations that he has misrepresented himself.

As described above, the fundraising letter makes no reference to seeking funds for the purpose of influencing federal elections. There is no reference to any election or any candidate. Instead, its fundraising appeal is for funds for other purposes relating to issues, not elections. The complaint then appears to rely on an inference that by the use of the "Republican Presidential Task Force" name, Dyson is necessarily soliciting contributions, as that term is defined under the Act, making him a political committee. We believe that inference is too tenuous to draw in this instance. The name Republican Presidential Task Force is not the name of any registered political committee. Even if it were, nothing in the Act or regulations would preclude another person or organization from registering another political committee using the same name or from using the name for any other purpose. Merely because the NRSC uses the name for one of its fundraising programs does not automatically lead to a conclusion that whenever any person raises funds by the use by this name, they are raising funds for the NRSC or for election purposes. Therefore, we conclude that there is insufficient evidence that Dyson has been raising funds

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for the purpose of influencing any federal election. Thus, his receipts are not contributions under the Act, and his disbursements are not expenditures under the Act. According, there is no reason to believe Dyson has failed to organize himself as a political committee and to register and report under the Act.¹

Although there is evidence that Dyson has misrepresented himself to potential contributors, nothing in the Act or regulations addresses that issue. Instead, it would appear that this issue is one more appropriately addressed to the U.S. Postal Service. Therefore, we recommend that the Commission report this matter to the U.S. Postal Service pursuant to 2 U.S.C. § 437d(a)(9).

III. RECOMMENDATIONS

1. Find no reason to believe that Thomas Dyson violated 2 U.S.C. §§ 432, 433, and 434.
2. Report the matter to the U.S. Postal Service pursuant to 2 U.S.C. § 437d(a)(9).
3. Approve the appropriate letters.

1. The facts also do not provide a basis for finding reason to believe at this time that Dyson has copied individual contributor names from reports filed with the Commission in violation of 2 U.S.C. § 438(a)(4). The complainant says that the NRSC learned of Dyson's solicitation and the Republican Party of Missouri received a copy and brought to the attention of the NRSC. Thus, there is no present evidence that Dyson solicited contributors to the NRSC, which has previously used pseudonyms to monitor for possible violations of Section 438(a)(4), although the sample solicitations are addressed to individuals.

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4. Close the file.

Lawrence M. Noble
General Counsel

4/17/91
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

- 1. Complaint
- 2. Response

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Thomas Dyson) MUR 3238

CERTIFICATION

I, Marjorie W. Emmons Secretary of the Federal Election Commission, do hereby certify that on April 22, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3238:

1. Find no reason to believe that Thomas Dyson violated 2 U.S.C. §§ 432, 433, and 434.
2. Report the matter to the U.S. Postal Service pursuant to 2 U.S.C. § 437d(a) (9).
3. Approve the appropriate letters, as recommended in the General Counsel's Report dated April 17, 1991.
4. Close the file.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

4-23-91
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Thurs., April 18, 1991 11:17 a.m.
Circulated to the Commission: Thurs., April 18, 1991 4:00 p.m.
Deadline for vote: Mon., April 22, 1991 4:00 p.m.

dr

91040841299



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 7, 1991

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

William B. Canfield III, Esquire
National Republican Senatorial Committee
425 Second Street, N.E.
Washington, D.C. 20002

RE: MUR 3238

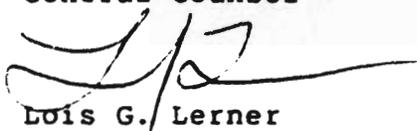
Dear Mr. Canfield:

On April 22, 1991, the Federal Election Commission reviewed the allegations of your complaint dated March 12, 1991, and found that on the basis of the information provided in your complaint, there is no reason to believe Thomas Dyson violated 2 U.S.C. §§ 432, 433, and 434. Accordingly, on April 22, 1991, the Commission closed the file in this matter.

The Federal Election Campaign Act of 1971, as amended ("the Act") allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

21040341300



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 7, 1991

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Harold J. Hughes, General Counsel
United States Postal Service
475 L'Enfant Plaza, N.W.
Washington, D.C. 20260-1100

RE: MUR 3238

Dear Mr. Hughes:

Pursuant to 2 U.S.C. § 437d(a)(9), the Federal Election Commission is granted power to "report apparent violations to the appropriate law enforcement authorities." On April 22, 1991, the Commission determined to report to the United States Postal Service information in the enclosed documents which may constitute violations of statutes or regulations within the jurisdiction of the Postal Service.

This information was received in the form of a complaint and a response to the complaint filed with the Commission and designated Matter Under Review ("MUR") 3238 regarding a solicitation sent through the mails by Thomas Dyson using the name "Republican Presidential Task Force," the name of a fundraising project of the National Republican Senatorial Committee. On April 22, 1991, the Commission determined that there was no reason to believe Thomas Dyson had violated any provision of the Federal Election Campaign Act of 1971, as amended, and closed the file in MUR 3238. The enclosed documents are now a matter of public record at the Commission.

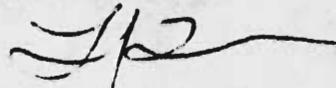
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Harold J. Hughes
Page 2

Please advise the Commission of whatever action you take regarding this information. If you have any questions, please contact George F. Rishel, the Assistant General Counsel supervising MUR 3238, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosures

91040341302



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 7, 1991

Thomas Dyson
6908 Balalaika Road
Dallas, Texas 75241

RE: MUR 3238
Thomas Dyson

Dear Mr. Dyson:

On March 21, 1991, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On April 22, 1991, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe Thomas Dyson violated 2 U.S.C. §§ 432, 433, 434. Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3238

DATE FILMED 5/11/91 CAMERA NO. 4

CAMERAMAN AS

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