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June 16, 2010

Via Facsimile 202.219.3923, E-Mail and UPS Next-Day Air

Ms. Thomasena Duncan, Esq.
Mr. Jeff S. Jordan, Esq.
General Counsel's Office
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Response of Robert Thompson
MUR 6276

Dear Ms. Duncan and Mr. Jordan:

Introductory Matters

On April 20, 2010, the Federal Election Commission ("FEC") received a complaint filed by the chair of the Democratic Party, Mark Brewer ("Complaint"). The Complaint listed as respondents the Michigan Republican Party, the Republican National Committee, their respective chairs, and various individuals (collectively, "Respondents"), including Robert Thompson ("Mr. Thompson"). This response is filed solely on behalf of Mr. Thompson. Mr. Thompson received a copy of the Complaint on May 7, 2010, and by letter dated May 14, 2010, he was granted an extension to and including June 18, 2010, in which to respond.

The Complaint alleges that Mr. Thompson (and other contributors) "knowingly and willfully violated the FECA by making contributions which exceed the limits set forth in the FECA." (Complaint at p. 1.) The Complaint is based on a single report from the *Daily Caller*, an Internet-based news and opinion website, published on April 7, 2010. The *Daily Caller* report, in turn, is attributed solely to statements allegedly made by one anonymous "former RNC official" to a *Daily Caller* reporter. The contributions and transfers referenced in the *Daily Caller* piece are lawful transactions; the remaining allegations consist solely of speculative accusations by an unnamed source and unsubstantiated statements by the *Daily Caller*.

The Complaint Should Be Summary Dismissed

The Complaint does not satisfy the Commission's minimum standard for making a "reason to believe" or "RTB" finding, and it should be summary dismissed. The standards for summary dismissal are well-established. "Complaints not based upon personal knowledge must identify a source of information that reasonably gives rise to a belief in the truth of the

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allegations presented Unwarranted legal conclusions from asserted facts . . . or mere speculation . . . will not be accepted as true." Statement of Reasons of Commissioners Mason, Sandstrom, Smith, and Thomas in MUR 4960 at pp. 1-2 (Hillary Rodham Clinton for U.S. Senate Exploratory Committee, Inc.) (December 21, 2000) (citations omitted). See also Statement of Reasons of Commissioners Mason, Sandstrom, McDonald, Smith, Thomas and Wolf in MUR 5141 at p. 2 (Moran) ("Unless based on a complainant's personal knowledge, a source of information reasonably giving rise to a belief in the truth of the allegations must be identified.") (citations omitted). Put another way, "[t]he RTB standard does not permit a complainant to present mere allegations that the Act has been violated and request that the Commission undertake an investigation to determine whether there are facts to support the charges. . . . The Commission must have more than anonymous suppositions, unsworn statements, and unanswered questions before it can vote to find RTB and thereby commence an investigation." Statement of Reasons of Commissioners Petersen, Hunter, and McGahn in MUR 6056 at p. 6 n. 12 (Protect Colorado Jobs Inc.) (June 2, 2009).

The Complaint is predicated on anonymous suppositions and it is not based on personal knowledge of the Complainant. The Complaint does not meet even these most elemental requirements, and thus should be dismissed.

**Even If The Complaint Merits Further Review, There Is No Basis
 In Fact To Support The Complaint Against Mr. Thompson**

The Complaint states that "suddenly and collectively on December 23 and 31, 2008 all of these contributors maxed out to the RNC. . . ." In the first instance, the Complainant ignores the obvious explanation for why contributors might "max out" in December 2009: December is the end of the annual contribution limit period. In light of the year end, the "timing" allegations prove nothing. Mr. Thompson has a long donor history. The Complainant cites no evidence that Mr. Thompson's contribution was made "suddenly and collectively."

Mr. Thompson, a named Respondent in the Complaint, states in a sworn affidavit that his contribution was "not earmarked in any way," that his contribution "was not made with conditions or contingencies," and that he did not "have any control over [his] contribution once it was made to the Republican National Committee nor did [he] expect to have any such control." See attached affidavit of Mr. Thompson.

In addition, Mr. Thompson states that "prior to making my contribution to the Republican National Committee, I never spoke with anyone from the Republican National Committee about my contribution." Mr. Thompson did not make an unlawful or excessive contribution and was otherwise involved in any unlawful transaction.

The Complaint does not allege or contain any information indicating that Mr. Thompson retained control over the funds after he made the contribution to the RNC. In fact, Mr. Thompson's attached affidavit demonstrates that he expressly relinquished control. Therefore,

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such "contributions could only be aggregated, and thus considered excessive," if Mr. Thompson had "actual knowledge" that the RNC would use his respective contributions together with others to contribute to the MRP. See MUR 5968 (John Shadegg's Friends, November 10, 2008, Factual and Legal Analysis at p. 5.)

However, the Complaint also does not contain any allegation, let alone evidence, that the named donors (including Mr. Thompson) ever had any knowledge of an alleged "illegal scheme." In the absence of such actual knowledge, the Commission has previously determined that it cannot find that the donors made excessive contributions. See MUR 5968 (John Shadegg's Friends).

The Complaint does not contain any evidence of any contribution, transfer, or other activity that is prohibited under federal campaign finance laws. "When a complaint cites activity which does not constitute a violation of the FECA, the Commission may find no reason to believe." Statement of Reasons of Commissioners McDonald, Mason, Sandstrom, Smith, Thomas, and Wold in MUR 5126 (Hillary Rodham Clinton) (May 25, 2001).

In sum, the Complaint contains "~~anonymous~~ ~~supper~~ statements" and "~~unsworn~~ statements" and it is completely bereft of any supported allegations that Mr. Thompson violated any provision of the FECA.

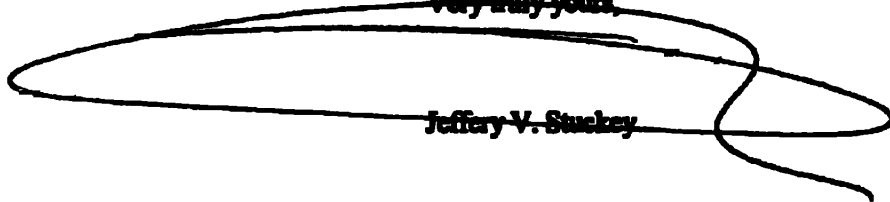
Conclusion

The Complaint fails to meet the minimum standard for an RTB finding. In addition, the facts alleged in the Complaint do not support a claim for a violation of the FECA and, in any event, are fully rebutted by the sworn affidavit of Mr. Thompson.

Mr. Thompson respectfully requests that the Complaint be dismissed summarily and promptly.

If you have any additional questions, or if you require additional information, please feel free to contact me.

Very truly yours,



Jeffery V. Stuckey

JVS/nds
Attachment

cc: Mr. Robert Thompson
Peter H. Ellsworth, Esq.

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