



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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MUR 2267

October 3, 1986

Joan D. Aikens, Chairman  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

RE: Complaint Against:  
M.G. (Pat) Robertson  
Americans for Robertson  
CBN Continental Broadcasting  
Network, Inc.  
Victory Communications  
International, Inc.

6 OCT 8 PM 2:33

Dear Chairman Aikens:

This letter constitutes a formal complaint, pursuant to the provisions of 11 C.F.R. § 111.4 against: M.G. (Pat) Robertson individually and as President of CBN Continental Broadcasting Network, Inc., CBN Center, Virginia Beach, Virginia, 23463; CBN Continental Broadcasting Network, Inc.; Americans for Robertson, 300 North Washington Street, Alexandria, Virginia, 22301; the treasurer of Americans for Robertson whose name is unknown to the complainant, and Victory Communications International, Inc., an Arizona corporation, 6617 N. Scottsdale Rd., Scottsdale, Arizona 85253. The complainant believes, for the reasons set forth below, that the above-named individuals and organizations have violated and are continuing to violate numerous sections of the Federal Election Campaign Act of 1971, as amended ("the Act" or FECA) and other statutes not specifically within the FEC's jurisdiction but which would be affected by the outcome of the Commission's investigation of this complaint.<sup>1</sup>

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<sup>1</sup> See, e.g. 47 U.S.C. §§ 312 and 315 regarding equal access to broadcasting media.

### The Facts

For several months, the Reverend M.G. (Pat) Robertson has actively engaged in general public advertising directed to the solicitation of funds on a mass scale. The success of this endeavour, according to Robertson, will tell him whether he should announce his candidacy for President of the United States.

Most recently, on September 17, 1986, through the use of CBN's satellite broadcast facilities, Robertson addressed an estimated 200,000 people in 216 separate locations throughout the United States<sup>2</sup> and promised that he would announce his candidacy "[i]f by September 17, 1987, one year from today, 3 million registered voters have signed petitions telling me that they will pray, that they will work, and that they will give toward my election..."<sup>3</sup> Robertson further asked those present for contributions of \$100 each to his "exploratory committee," Americans for Robertson.<sup>4</sup> The event, which was reportedly organized by Victory Communications, cost as much as \$3 million and was expected to raise gross revenues of between \$5 million to

<sup>2</sup> See Exhibit A, The Sun, Baltimore, Maryland, Thursday, September 18, 1986.

<sup>3</sup> Id.

<sup>4</sup> See Exhibit B, The Washington Post, Washington, D.C., Thursday, September 18, 1986.

\$10 million, according to Michael K. Clifford, president of Victory Communications.<sup>5</sup>

On September 14, 1986, prior to the scheduled event, Robertson was reported to have prepared a letter pre-dated to September 18, 1986, addressed to his supporters that stated that he had announced, the previous day, to seek the nomination of the Republican Party for the presidency of the United States, subject to several conditions. This decision, Robertson said, was made "in response to tens of thousands of people across America... clapping and shouting, urging me - 'GO FOR IT, Pat!'" Robertson closed the letter with a request for a \$100 donation stating "I AM READY TO GO FOR IT. Now it's up to you."<sup>6</sup>

The complainant believes these recent events clearly identify Mr. Robertson's ambitions and goals and on the basis of these facts and the law set forth below, the Commission should conclude that Mr. Robertson has, as a matter of law, established himself as a candidate for nomination by the Republican Party as president of the United States. Furthermore, the Commission should investigate the manner in which CBN and Victory Communications provided services to Mr. Robertson and his

<sup>5</sup> At least one report has stated that the Robertson event was targeted to raise \$20 million. See Exhibit C, The Washington Times, Washington, D.C., Thursday, September 18, 1986.

<sup>6</sup> Exhibit D, The Washington Post, Washington, D.C., Sunday, September 14, 1986.

"exploratory committee," Americans for Robertson, to determine whether 2 U.S.C. 441b(a) has been violated by their conduct.

#### The Law

Section 431(2) of the FECA defines a "candidate" as

an individual who seeks nomination for election, or election to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election -

(A) if such individual has received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000; or

(B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000.

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The key elements of the statutory definition of "candidate" rely upon the definitions of "contribution" or "expenditure" as set forth in 2 U.S.C. §§ 431(8) and (9) respectively, and those activities that are specifically excluded from the definitions. In its Regulations, the Commission has exempted from the definition of "contribution" or "expenditure" funds received or expended "solely for the purpose of determining whether an individual should become a candidate." 11 C.F.R §§ 100.7(b)(1) and 100.8(b)(1). These are the so-called "testing the waters" exemptions that allow an individual some latitude in raising and expending funds solely for the purpose of determining whether or not his or her candidacy would be viable.



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<sup>5</sup> At least one report has stated that the Robertson event was targeted to raise \$20 million. See Exhibit C, The Washington Times, Washington, D.C., Thursday, September 18, 1986.

<sup>6</sup> Exhibit D, The Washington Post, Washington, D.C., Sunday, September 14, 1986.

Certain conditions exist, however, in the use of these exemptions, and the failure to comply with the conditions should lead to a conclusion by the Commission that the individual has, through conduct, decided to become a candidate:

(ii) This exemption does not apply to funds received [or payments made] for activities indicating that an individual has decided to become a candidate for a particular office or for activities relevant to conducting a campaign. Examples of activities that indicate that an individual has decided to become a candidate include but are not limited to:

(A) The individual uses general public political advertising to publicize his or her intention to campaign for Federal office.

(B) The individual raises funds in excess of what could reasonably be expected to be used for exploratory activities or undertakes activities designed to amass campaign funds that would be spent after he or she becomes a candidate.

11 C.F.R. §§ 100.7(b)(i)(ii) and 100.8(b)(i)(ii).

The complainant does not believe that the Commission could have meant the "testing the waters" exemption to be anything other than a means by which potential candidates might solicit and expend limited amounts to determine the level of support that they might receive if his or her candidacy was publicly declared. Indeed, the Commission's position in this regard was made clear in Advisory Opinion 1981-32, October 2, 1981, in which strong caution was urged upon "testing the waters" conduct, especially with regard to those issues presented in this complaint dealing with general public political advertising and the amassing of campaign funds. (See also Advisory Opinion 1985-40, January 24,

1986.) An open appeal to 200,000 people at 216 separate locations for donations of \$100 each as a "sign of support" with an additional promise to declare candidacy a year later if 3 million persons sign petitions and promise to work and contribute money to such a campaign, clearly makes a mockery of these well-intentioned exemptions and is inconsistent with previously announced Commission opinions. Surely one must question whether the receipt and expenditure of millions of dollars is reasonably necessary to merely determine the viability of even a presidential campaign.

Despite the fact that the Commission's regulations require retroactive application of the contribution limitations and disclosure requirements, and prohibit the acceptance of corporate contributions, abuse of the exemption clearly creates an unfair advantage over candidates who are complying with the Act and deprives the public of its right to disclosure of campaign activity. Furthermore, the complainant, as mentioned earlier, believes Mr. Robertson's tactics create an additional advantage over his rivals through the use of his broadcast facilities at CBN. (A conclusion by the Commission that Robertson is a candidate under the Act might also lead to the imposition of restrictions by the Federal Communications Commission, for example, under 47 U.S.C. §§ 312 and 315.)

Mr. Robertson's television show, the "700 Club," which is carried through CBN's facilities, reportedly has a daily audience of 8 million households<sup>7</sup>. The membership list of the "700 Club" was rented to Victory Communications, as part of Victory Communication's efforts to organize Mr. Robertson's extravaganza.<sup>8</sup> Thus, the continued use of CBN's facilities by Robertson to create a mailing list to be used by his so-called "exploratory committee" constitutes activity prohibited by 2 U.S.C. § 441b(a). Continued access to such a large audience without the potential to access by other candidates will only strengthen this already unfair advantage created by Mr. Robertson's continued violation of the law.

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<sup>7</sup> See Exhibit A, Id., and Exhibit E, The Sun, Baltimore, Maryland, Sunday, September 14, 1986.

<sup>8</sup> See Exhibit F, The New York Times, New York, N.Y., Saturday, September 13, 1986.

Conclusion

For the foregoing reasons, the complainant asks the Commission to initiate an investigation of the apparent violations in this matter, and to take those steps necessary under the Act to immediately correct such violations.

Sincerely,

*Harvey Furgatch*

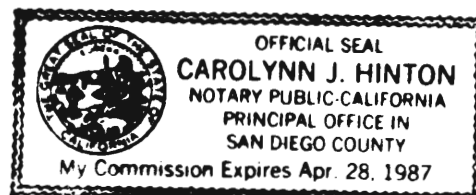
Harvey Furgatch

Name and address of complainant:

Harvey Furgatch  
c/o Time for Living  
5075 Shoreham Place  
San Diego, CA 92138-5285

Sworn to before me, a notary public, this 6<sup>TH</sup> day  
of October, 1986.

*Carolynn J. Hinton*  
Notary Public



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## Robertson says he'll run if 3 million sign petitions

By Paul West  
Washington Bureau of The Sun

WASHINGTON — Television evangelist Pat Robertson said last night he would seek the 1988 Republican presidential nomination if 3 million voters signed petitions urging him to run and offering to give to his campaign.

As expected, the Virginia Beach, Va., minister stopped short of a formal declaration of candidacy, which would have forced him to abandon his daily religious talk show, "The 700 Club."

"The question for me on this, or for that matter on any major decision, is simple: What is God's will for me in this," Mr. Robertson told 3,000 cheering, clapping supporters at a Constitution Hall rally.

"Deep in my heart I know God's will for me in this crucial decision, and I have his further assurance that he will care for, continue and enlarge the ministry of CBN [Christian Broadcasting Network] which is so dear to my heart."

Mr. Robertson conditioned his decision to run on the support and financial backing of grass-roots conservatives.

"If by Sept. 17, 1987, one year from today, 3 million registered voters have signed petitions telling me that they will pray, that they will work, that they will give toward my election, then I will run as a candidate for the nomination of the Republican Party for the office of president of the United States of America," he said, bringing the crowd to its feet for the fifth time in his 30-minute address.

Mr. Robertson made an "urgent" personal plea for contributions of \$100 per person, as petitions were distributed to those watching in person and on a satellite TV hookup in 216 halls around the country. The event, which cost an estimated \$2 million and had an audience estimated in advance at 200,000, was sponsored by Mr. Robertson's exploratory presidential campaign committee.

"You can feel that this is one of the most historic days in all of our lives," said Mr. Robertson, noting that the petitions include a space for supporters to bill their contribution to their VISA or MasterCard.

"It takes money," he said, adding



PAT ROBERTSON  
Stops short of formal entry

that he and other members of his family planned to give. Only contributions made this year qualify for tax credits scheduled to be eliminated under the tax bill now nearing completion in Congress, Mr. Robertson advised.

The three-hour rally featured patriotic music and a parade of speakers who endorsed Mr. Robertson's prospective candidacy. Among them was the evangelist Oral Roberts, who said he had never spoken before in favor of a political candidate.

"When we want Pat Robertson enough to be our next president, he will be," the Oklahoma evangelist said.

Meantime, a member of President Reagan's Cabinet yesterday strongly criticized the "intolerance" of Mr. Robertson's earlier claim that Christians are more deeply committed to values of family, country and God than other Americans.

Education Secretary William J. Bennett said of Mr. Robertson's remark: "This sort of invidious sectarianism must be renounced in the strongest terms. The vibrant families and warm patriotism of millions upon millions of non-Christian and non-religious Americans give it the lie. Its narrowness would have disappointed the founders, and its in-

ROBERTSON, from 9A

tolerance clashes with the best traditions of our democracy."

Mr. Bennett, who referred to Mr. Robertson only as "a public figure," was speaking at the University of Missouri in Columbia, Mo. A text of his speech was made available to Washington reporters by his office, which confirmed that Mr. Robertson was the intended target.

Mr. Robertson said he may forgo federal matching funds in his presidential bid, which would free him to spend an unlimited amount on his campaign.

The only other presidential candidate to take such a step, former Texas Gov. John B. Connally, raised and

spent more than \$12 million in a losing campaign for the 1980 Republican nomination.

Mr. Robertson declined to answer directly when asked whether his decision to postpone formal announcement of his candidacy was due to a desire to remain on the air with his "700 Club" show, which claims a daily audience of 8 million households.

However, in an interview published last month in *Christian Life* magazine, he said, "The minute I say I'm a candidate, I'm off television [because of the equal time rules of the Federal Communications Commission]. So I don't want to be a candidate. It would be foolish to make an announcement publicly."

## Robertson Takes Half Step Into the Presidential Arena

### TV Evangelist Seeks 3 Million Signatures

By Thomas B. Edsall  
Washington Post Staff Writer

Television evangelist Marion G. (Pat) Robertson, declaring that he was acting in accordance with God's will, yesterday stepped halfway into the contest for the 1988 Republican presidential nomination in one of the most heavily promoted partial announcements in history.

Robertson set up a massive closed-circuit television system for 216 meeting halls, convention centers and other gathering places across the nation to declare:

"If, by September 17th, 1987, one year from today, 3 million registered voters have signed petitions telling me that they will pray, that they will work, that they will give toward my election, then I will run."

In the 90-minute televised event at Constitution Hall last night, Robertson said that in making his decision to edge closer to running, the critical question was: "What is God's will for me in this? Let me assure you I know God's will for me."

The intensely enthusiastic audience of about 3,000 supporters—the hall was not quite full—repeatedly broke into lengthy applause, particularly when Robertson called for restoration of religion in the classroom.

"There can be no education without morality, and there can be no lasting morality without religion," Robertson said. "For the sake of our children, we must bring God back to the classrooms of America."

Citing surveys showing "only 6 percent are atheists," Robertson said, "I do not believe that the 94 percent of us who believe in God have any duty whatsoever to dismantle our entire public affirmation of faith in God just to please a tiny minority who don't believe in anything."

Robertson concluded his speech with a strong, direct appeal for contributions. "If this effort is to succeed," he said, "it takes money."

He asked everyone present to give \$100 to his presidential exploratory committee, Americans for Robertson. Earlier in the day, he said he is considering refusing federal funds if he seeks the presidency.

By delaying a formal declaration of his candidacy, Robertson protected his right to continue appearing as the host of "The 700 Club" on the network he owns, the Christian Broadcasting Network.

A backer of Jimmy Carter in 1976, Robertson abandoned Carter in 1980 to back Ronald Reagan. Over the past year, he has moved steadily closer to a formal bid for the GOP nomination, conducting a

vigorous drive for precinct delegates in the August Michigan primary, the first test of 1988 presidential strength.

Republican activists have been highly ambivalent about Robertson's likely plunge into the 1988 contest. Some argue that he will bring new blood to the GOP, enlarging the wave of white, born-again Christian support for the Republican Party, while others contend that he will intensify the tensions between establishment "country club" party members and fundamentalist Christians seeking to gain leverage in the GOP.

In private, supporters of Vice President Bush argue that a Robertson campaign would serve as "an insurance policy" protecting Bush from a strong attack from the political right. Under this theory, Robertson would succeed in getting a significant percentage of conservative, evangelical support, effectively taking it away from such other potential Bush competitors as Rep. Jack Kemp (R-N.Y.) and Sen. Paul Laxalt (R-Nev.).

Initially, Robertson's candidacy provoked strong opposition among many of his fellow leaders of the Christian right, many of whom felt that public attention focused on his fast healing and talking in "tongues" would alienate support for the religious movement.

Recently, however, a growing number of religious leaders have joined the Robertson bandwagon. Last week, TV evangelist Jimmy

Swaggart reversed field and endorsed Robertson, saying, "The world probably says that this effort is hopeless, but if God be in it, it doesn't really matter what the world says. Pat Robertson is one of us."

Among other supporters claimed by Robertson are James Drapper and Charles Stanley, former presidents of the Southern Baptist Convention, and J.O. Patterson, bishop of the Church of God in Christ, which Robertson said is the second-largest black denomination in America.

Before Robertson spoke last night, the audience here heard patriotic and religious songs by the Victory Singers and the Emmanuel Temple Choir, followed with speeches by Roosevelt Grier, a former Los Angeles Rams football player; Beverly Lallaye, head of Concerned Women for America, and Drapper, who said Robertson "understands that separation of church and state doesn't mean the separation of God and government."

As Robertson organized the televised extravaganza that cost from \$800,000 to more than \$1 million, according to various sources, controversy surrounding his campaign

Yesterday morning, the liberal People for the American Way (PAW) held a "Robertson Film Festival" clips from "The 700 Club" showing Robertson claiming to have changed a hurricane's course, arguing that "non-Christian people and atheists" are using the Constitution "to destroy the foundations of our society" and describing husbands as the "high priest" of the family unit.

Later in the day, Education Secretary William J. Bennett sharply

criticized Robertson's contention that Christians are more patriotic and stronger supporters of the family than are other Americans.

"This sort of invidious sectarianism must be renounced in the strongest terms. The vibrant families and warm patriotism of millions upon millions of non-Christians and

nonreligious Americans give it the lie," Bennett said in a speech distributed here.

Responding to the PAW film, Robertson said: "I think the fact that extremists of the left are taking such incredible pains to malign me must mean that they must see me as a very serious candidate." At a news conference held before the televised announcement, Robertson asked "for the same fairness that was afforded John Kennedy" in his 1960 campaign for the presidency.

Robertson also declared his loyalty to the Republican Party.

Robertson, 58, son of a former Virginia senator, has built a \$230 million-a-year religious-business empire in Virginia Beach through CBN and related organizations. As a declared candidate, he would be forced under federal law to give equal time on his network to all other declared candidates for the GOP nomination. As of yesterday, there was one, former Delaware governor Pierre S. du Pont IV.

Last night, Michael K. Clifford, president of Victory Communications, which organized the event, estimated that 150,000 to 200,000 people attended the Robertson meetings across the country and that gross revenues would run from \$5 million to \$10 million.

Clifford said there were no problems in satellite communications for the eastern time zone except at one Alabama site where a thunderstorm delayed transmission by a half-hour. Other time zones received the broadcast later.



Complainant's Exhibit B

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# Robertson makes nationwide appeal

By Ralph Z. Hallow  
THE WASHINGTON TIMES

The Rev. Pat Robertson last night kicked off his unofficial campaign for the 1988 Republican presidential nomination with an unprecedented nationwide, closed-circuit television appeal targeted to raise \$20 million.

Mr. Robertson told more than 200,000 supporters gathered in 216 sites in 50 states that he will declare officially within a year if 3 million registered voters sign a petition saying they "will work and pray" for his election.

"That many signers would assure my nomination," he said earlier in the day. "The Republican Party has only about 2 million active donors."

If the religious broadcaster is successful in raising \$20 million from last night's appeal it would be an unprecedented amount for a single political fund-raising event.

A Robertson aide said last night's event, broadcast from Constitution Hall here, was expected to cost the Robertson forces about \$3.5 million to produce.

By delaying his formal announcement for another year, Mr. Robertson, chairman of the Christian Broadcasting Network, will be able to go on hosting his own daily TV show, "The 700 Club," without violating the federal equal-time provision that applies to political candidates. The show is said to reach some 4 million viewers daily.

But Mr. Robertson said at a press conference yesterday that, given the demands of his unofficial campaign, he expected the time he could devote to the show would soon begin to dwindle.

The Southern Baptist minister and Yale Law School graduate said if his attempt to win the GOP nomination fails, he will not form a third party or "act in any divisive" way that would harm the GOP.

"I am committed to the 1984 Republican platform," he said. That platform, hammered out in Dallas, endorses almost all of the major items on the agenda of the Christian right, though such things as school prayer, tax credits and vouchers for private and public school tuition have not been implemented.

At least 200,000 people had made reservations to attend last night's event, according to Robertson organizers.

Each person who showed up was asked to contribute \$100 to what Mr. Robertson, 56, described as an "exploratory committee" called Americans for Robertson.

Mr. Robertson also pledged fidelity to the First Amendment of the Constitution, especially to the preservation of religious liberties.

On other issues, he said that though he strongly supports free trade, he would tell the Japanese that "either you open your markets to us or we'll close our markets to you."

He called for drug-free schools and a coherent approach to governance to combat what he called the "moral decay" of the nation.

Mr. Robertson came in for some battering yesterday from at least two sources. Education Secretary William Bennett, though not mentioning him by name, alluded to comments the Virginian had made in July as an example of a sectarianism Mr. Bennett deplored as a threat to democracy.

"A public figure recently said that Christians feel more strongly about love of country, love of God and sup-

port for the traditional family than do non-Christians," Mr. Bennett said in a speech prepared for delivery at the University of Missouri.

And hours before the Robertson television extravaganza, People for the American Way, a liberal organization, held an anti-Robertson "film festival" for reporters, at which videotaped excerpts of Mr. Robertson's "700 Club" appearances were shown.

The purpose was to show that "Pat Robertson is an extremist whose views place him well outside the mainstream of both the Republican Party and the nation," said People for the American Way Chairman John Buchanan, a former eight-term Republican congressman from Tennessee who also is a Southern Baptist minister.

But in a separate press conference, Gary Jarmin, a consultant to Christian Voice, a conservative organization that issues "report cards" on how members of Congress vote on moral issues, called Mr. Buchanan and other PAW officials "a bunch of radical McGovernites trying to disguise themselves under the cloak of the First Amendment."

## Bennett condemns Robertson remarks

By Carol Innerst  
THE WASHINGTON TIMES

Education Secretary William J. Bennett yesterday indirectly accused the Rev. Pat Robertson, a television evangelist and Republican presidential contender, of promoting sectarian dissension within the nation.

Mr. Bennett, a Catholic neoconservative who recently switched from Democrat to Republican, chastized Mr. Robertson for saying that Christians "feel more strongly" about love of country, love of God and support for the traditional family than do non-Christians.

Mr. Bennett made the remarks in a speech prepared for delivery at the University of Missouri last night.

He did not mention Mr. Robertson by name, but referred to a statement made by Mr. Robertson at a July 30 press conference in Lansing, Michigan.

Mr. Bennett, a popular speaker frequently asked to make appearances on behalf of Republican candidates throughout the country, has been disturbed for weeks by Mr. Robertson's comment and fears that he will do to the Republican Party what Jesse Jackson did to the Democrats, according to sources close to the education secretary.

In his speech, Mr. Bennett attempted to build a case for the sensible role of religion in politics.

"Our politics, deprived of religion, has threatened to become short-sighted and self-interested," he said. "And . . . religion, excluded from politics, has threatened to become resentful, extremist and sectarian," he said.

"There are those in America today who believe, like Samuel Adams, that America should be a 'Christian Sparta,'" he said. "They properly deserve the name 'sectarian' rather than 'religious.'"

## The Washington Times

THURSDAY, SEPTEMBER 18, 1986

Throughout the last century, "Protestants, Catholics, Jews, Buddhists, Muslims, and many others . . . have come to find their own peace in this land of religious liberty," Mr. Bennett said. "Like the Founders, we must remain vigilant against those who would disturb that peace."

Citing the remark by Mr. Robertson, Mr. Bennett said: "This sort of invidious sectarianism must be renounced in the strongest terms. The vibrant families and warm patriotism of millions upon millions of non-Christian and non-religious Americans give it the lie. Its narrowness would have disappointed the Founders. And its intolerance clashes with the best traditions of our democracy."

The "same public figure" was on much firmer ground when he later observed that no candidate should be invested "with the mantle of God," Mr. Bennett said.

"This point is crucial," he said. "On the one hand, religion should never be excluded from public debate. But on the other hand, it should never be used as a kind of divine trump card to foreclose further debate. Those who claim that their religious faith gives them a monopoly on political truth make democratic discourse difficult."

Mr. Bennett also discussed his own religious beliefs — a topic that has prompted criticism of his performance as education secretary.

He said he is "in sympathy with the religious beliefs of the overwhelming majority of the American people."

"I am personally, I would guess, rather average in the degree of my religious observance," he said. "I go to church some, but not as much as I probably should, and not as much as the head of my church believes I should."

— Complainant's Exhibit C

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## POLITICS

Kennedy Stymies Opponent,  
Surges Far Ahead of Field

For a while, the political winds seemed to be turning against Joseph P. Kennedy II. A Boston Globe poll taken Sept. 2-6 showed that state Sen. George Bechrack had moved to within 5 percentage points of Kennedy in Tuesday's Democratic primary for the nomination to succeed Rep. Thomas P. (Tip) O'Neill Jr. (D-Mass.). The question had become "Can Joe lose?"

But Kennedy appears to have stopped the surge. Last week he was endorsed by The Boston Globe and Boston Mayor Raymond L. Flynn. And, in an advertisement that began airing Friday, House Speaker O'Neill calls Kennedy a fighter and says he intends to vote for him. Late polls for Boston television stations show Kennedy again with 16- and 18-point leads. Kennedy pollster Thomas Kiley said, "The way things are going, there is a good chance Joe will cross 50 percent—that's remarkable in this crowded field" of 11 Democrats.

The heat and aggressiveness of the campaign may have reached its climax Wednesday night at a candidates' forum when Bechrack asked Kennedy, "Are you in lock to Mr. God-haif," suggesting a business connection between Kennedy's corporation, Citizens Energy, and Libya.

"Let me explain something about Libya," Kennedy replied. "Libya offered asylum to Sirhan Sirhan after he killed my father. For you to think for one second . . . that Citizens Energy would have anything to do with any oil coming out of Libya is just totally off base."

"At that moment," said one Democratic consultant, "Bechrack's balloons popped."

## Oklahoma's Campaign Imbroglio

In the last days before the Aug. 26 Oklahoma gubernatorial primary, Democratic can-

didate David Walters, making his first run for office, mortgaged his house to raise funds for a last-minute advertising spurge. He wound up leading the Democratic field and is a solid favorite in Tuesday's runoff against state Attorney General Mike Turpen (who says 1986 is "Turpen time"). Turpen claims that Walters' 11th-hour mortgage was a violation of a state law that limits loans to candidates.

Savoring this imbroglio in the opposition camp, Republicans lived things up by filing a formal complaint about the Walters loan. And who is charged with investigating the complaint? None other than Attorney General Turpen.

But the Democrats have a bigger problem. Whoever wins the nomination likely will be the underdog against the GOP nominee, former U.S. senator Henry L. Bellmon.

## 1988 Campaign Dawns in Arizona

Virtually no one was looking, but last Tuesday Arizona Republicans began their 1988 presidential process. Just as Michigan did in August, when everyone was looking, GOP voters in Arizona selected the precinct delegates who eventually pick the delegates to the 1988 Republican National Convention.

None of the three presidential aspirants who spent so much time and money courting delegates in Michigan showed up in Arizona, and neither did the national press. Searching for an explanation, GOP state Chairman Burton Krugnick said maybe the '88 contenders "thought it was more important there . . . it's a large state."

Tuesday's primary involved a vote to fill 6,700 precinct delegate slots. The winners will elect delegates to the state convention, which in turn will select in 1988 the delegates to the national convention.

## Nunn Makes Southern Power Pitch

"The South will rise again." So said Sen. Sam Nunn (D-Ga.) at a rally for Georgia Democratic Senate nominee Rep. Wyche Fowler

Jr. Translation: If Fowler defeats Sen. Mack Mattingly (R-Ga.) on Nov. 4, the Democrats have a better chance of regaining control of the Senate, and if the Democrats control the Senate, a whole slew of southern senators will become committee chairmen. Nunn, who would become chairman of the Armed Services Committee, is hosting a fund-raiser for Fowler this Wednesday in Washington along with Sens. Robert C. Byrd (W.Va.), J. Bennett Johnston (La.), John C. Stennis (Miss.), Lloyd Bentsen (Tex.), Howell Heflin (Ala.), Ernest F. Hollings (S.C.), Lawton Chiles (Fla.) and Dale Bumpers (Ark.)—all of whom stand to gain status in a Democratic Senate.

## To Pray, to Work, and to Give

Marion G. (Pat) Robertson will announce Wednesday that he has made the decision to run for president—but there are conditions:

"When at least 3 million registered voters sign petitions committing to pray, to work, and to give toward a campaign effort, I will seek the nomination of the Republican Party as their candidate for the presidency of the United States," Robertson writes in a letter pre-dated Thursday morning, "to share with you personally the decision I announced on Wednesday, the 17th."

Robertson writes that he made the decision "in response to tens of thousands of people across America . . . clapping and shouting, urging me—'GO FOR IT, Pat!' And, 'most important of all, I made this decision in response to the clear and distinct prompting of the Lord's spirit.'"

Robertson said, "If I am indeed going to 'Go for it,' we are going to need money, and manpower, and miracles. I trust the Lord will move through you to provide them."

He closes the letter, declaring again, "I AM READY TO GO FOR IT. Now it's up to you." Then Robertson reminds the recipient to sign the enclosed petition and "mail it along with your tax-credit contribution of \$100 today."

—Maralee Schwartz

—Complainant's Exhibit D

# Robertson is almost what GOP wants: Reagan clone

## Evangelist shows formidable skill as communicator

By Paul West  
Washington Bureau of The Sun

WASHINGTON — As a young man he was a liberal Democrat. Today, he's a Republican with bedrock conservative views.

Though he entered politics late in life, after achieving success in the entertainment field, he has built a coast-to-coast network of grass-roots supporters.

He is masterful on television, with skills as a communicator his political rivals can't match.

He can rouse an audience with his force attacks on the Washington establishment. Yet his easy smile and avuncular style enable him to shed criticism as if he were Ted Kennedy.

If that sounds a little like Ronald Reagan, it wouldn't bother Marlin Gordon "Pat" Robertson, a 56-year-old television preacher from Virginia Beach, Va., and a likely candidate for the 1988 Republican presidential nomination.

There isn't a dime's worth of difference between him and Ronald Reagan," the square-jawed ex-Marine likes to say, referring to their similar views on domestic and foreign issues.

The Reagan he resembles most is the Reagan of old, the political outsider pursuing national power through a skillful blend of personal charm and a potent speaking style.

These days, another Reagan is what Republican leaders desperately want.

They worry that without a powerful performer on the ticket in 1988, they might lose the White House and, with it, the conservative revolution. Mr. Reagan has come to embody.

Though Mr. Robertson is not likely to be their choice, he has more talent as a campaigner than the other GOP hopefuls do. As a showman, some Republicans think, the evangelist may even surpass Mr. Reagan.

"He is a better master of contrast [in his speeches] than Reagan is, which keeps the audience's interest up," says Sen. Jeremiah A. Denton, R-Ala. As a consultant to Mr. Robertson's Christian Broadcasting Network in the late 1970s, Mr. Denton was involved in an unsuccessful effort by the evangelist to create a new, non-religious TV network that would provide more strait-laced programs than the three major networks.

As Mr. Robertson campaigns around the country in his private company yet, purchased from the country singer Kenny Rogers, he often sounds strikingly like candidate Reagan. His speeches are studded with facts, statistics and anecdotes, sometimes exaggerated or embellished, apparently for dramatic effect.

In a speech last week in Baton Rouge, La., for instance, he launched a blistering attack on the Democrats over a 1984 letter written by 10 congressmen to Nicaraguan leader Daniel Ortega, appealing for open elections in that country.

"It started out, 'Dear Comrade Ortega,'" Mr. Robertson told 1,500 potential supporters at the Bethany World Mission Center. "And they said, 'We sympathize with the struggle you're going under, when unreasonable men like Ronald Reagan are in the White House. . . . And we want you to know we have nothing but the highest regards, etc., etc. Well, I'm paraphrasing some.'"

The controversial letter actually addressed Mr. Ortega as "Commandante," his military title, not "Comrade," and it made no reference to Mr. Reagan. Nor did the letter express sympathy for the regime's struggle against the Reagan administration or extend regards to the junta.

Mr. Robertson will escalate his unannounced campaign Wednesday by staging a star-spangled political extravaganza at Constitution Hall in Washington. The event was timed to coincide with the 198th anniversary of the signing of the Constitution.

The graying former Golden Gloves boxer says he'll have a "much more definitive statement" to make about his presidential plans at the gala, which is to be beamed via satellite to 220 sites around the country.

Mr. Robertson is not expected to declare his candidacy formally now, since that would force him, under TV's equal-time provisions, to abandon one of his most potent political weapons, the daily "700 Club" program, a religious news magazine with an estimated audience of 8 million households.

Nonetheless, he promises, this week's event "will be history-making."

History is what Mr. Robertson often links himself to, as he attempts to deflect attention from his image as a faith-healing, soul-saving electronic preacher who lives in a \$400,000 mansion built from the donations of viewers.

He plays down his activities as a charismatic Christian who speaks in tongues, emphasizing instead his upbringing as the son of Sen. A. Willis Robertson, a conservative Democrat from Virginia, and his education at Yale Law School and the University of London. (A recent *People* magazine article quotes a law school contemporary on Mr. Robertson's youthful reputation: "Whiskey and women, he was out on the point there.")

He says he is descended from the Harrison family of Virginia, which produced two presidents, and claims blood ties to Sir Winston Churchill.

In New Orleans last week, when asked why he would seek the presidency, Mr. Robertson answered that he had been raised in a tradition of "noblesse oblige."

He detests the label "TV evangelist," though he is proud to claim credit for bringing 600,000 Christians into the fold through his "700 Club" broadcasts. Mr. Robertson prefers instead to be known as a businessman who has built America's largest religious broadcasting empire, a private company with estimated revenues of \$200 million a year, and a university in Virginia

Beach.

Mr. Robertson says the question isn't whether a TV evangelist is qualified to be president. "If an actor can, a peanut farmer can, a haberdasher can, the field is open to anyone," he said, referring to Presidents Reagan, Carter and Truman respectively, all of whom had been elected to lower offices before becoming president.

Mr. Robertson has never sought elective office before, but he has long been involved in politics. In 1956, while a partner in a New York electronics business, he served as Staten Island, N.Y., chairman for liberal Democrat Adlai Stevenson's presidential campaign.

Not long afterward, depressed to the point of contemplating suicide, he underwent a religious conversion. In 1959, he received a master of divinity degree from the New York Theological Seminary. He is an ordained Southern Baptist minister; his aides call him "Doctor," although his doctorate is a juris doctor degree, the degree awarded to most lawyers.

With \$70 in his pocket, as Mr. Robertson tells the story in his 1972 autobiography, "Shout It From The Households," he drove to Virginia and negotiated the purchase of a bankrupt UHF television station.

According to his book, the voice of God spoke to him repeatedly, and specifically, during the early days of his broadcasting career. "Pat," he says he was told, "I want you to have an RCA transmitter."

Mr. Robertson has also written that God told him to buy the 685-acre site for his CBN University, which currently has 700 students enrolled. "I want you to buy the land," the Lord said. "Buy it all."

Perhaps the best-known claim of divine intervention in Mr. Robertson's career came last September, when he prayerfully commanded Hurricane Gloria to shift its path away from his transmitters on the Virginia coast. He has since interpreted the success of that effort (the storm veered sharply away from Virginia and hit New York instead) in terms of his potential presidential candidacy.

"If it had come ashore, would you have seen that as a signal from the Lord not to go for it?" he was asked by one of the reporters for his "700 Club" program in June.

"Absolutely," Mr. Robertson replied. "I would have done a Sherman the next morning," a reference to Gen. William Tecumseh Sherman's declaration in 1864 that, if nominated for president, he would not run, and if elected, would not serve.

Some of Mr. Robertson's long-held views on secular issues are also controversial. For example, he believes Supreme Court decisions are not the law of the United States but apply only to the specific case being decided, an interpretation that rejects the view adopted by the courts since 1803.

Republican analysts say that if, as expected, Mr. Robertson runs, he could have a significant impact on the 1988 race, even if he hasn't a chance of becoming the nominee.

THE NEW YORK TIMES, SATURDAY, SEPTEMBER 13, 1966

## A Coy Robertson Is Pioneering Era of Satellite Politics

By DUDLEY CLENDINEN

Special to The New York Times

ATLANTA, Sept. 12 — Next Wednesday evening, in response to "a personal letter" from the Rev. Pat Robertson, the television evangelist, thousands of evangelical Christians are expected to flow into hundreds of rental halls across America.

They will experience an event that will be different both from its advance description and from anything in the nation's political past.

"This historic meeting," the letter said, "will be beamed via satellite across America to a number of locations — one of which will be convenient to your home. This will be a private meeting — a very special meeting — when I can open my heart to you and tell you my concerns and my dreams for all of us in this great nation. A time when I can tell you personally my decision about seeking the nomination for the Presidency of the United States."

What the letter does not say is that the entire production — the three-hour program from Constitution Hall in Washington, the rental of the satellite time, the rental and staffing of the halls, the development of the mailing list of hundreds of thousands of names, and the printing and mailing of the letter itself — is the work of a private promoter who must be paid for his efforts, and that a collection will be taken in each rental hall.

Nor will Mr. Robertson actually announce a decision that night about his interest in running for President, his aides say. Instead, said Dave West, spokesman for Americans for Robertson, which Mr. Robertson recently formed to test the waters for 1968, "He's going to establish some thresholds of support that need to be reached won't do it if I don't."

But in his public exploration of the question, Mr. Robertson, a Southern Baptist preacher who is the scion of an old Virginia political family, is making history by applying the tools and skills of modern television evangelism to Presidential politics.

### Mailing List From Network

The event is being orchestrated by Victory Communications International, an Arizona concern that its president, Michael Clifford, said specialized in productions for nonprofit groups. Mr. Clifford said he produced a satellite show in December for Campus Crusade before he can make a final announcement.

The decision on running is one that Mr. Robertson originally said he would entrust to God, and he repeated in New Orleans this week, in a manner familiar to charismatic Christians, that he would not become a candidate if he did not feel he had God's support. "I wouldn't get into this election unless I feel that," Mr. Robertson said. "And I

said for Christ that involved 700,000 seats in 97 cities in 67 countries."

Mr. West, the Robertson group spokesman, said that at least 200,000 people were expected at almost 220 halls rented for the event. Many will come from the membership of "The 700 Club." Mr. Robertson's Christian news and talk program on the Christian Broadcasting Network. The network, which he founded and operates from Virginia Beach, "rented" the mailing list to Victory Communications, Mr. West said.

The names were culled from membership lists bought and rented from 75 organizations, Mr. Clifford said. He declined to name them and it was unclear how many names came from the sponsoring membership of "The 700 Club." "That's between the 700 Club and us," said G. Benton Miller Jr., spokesman for Mr. Robertson's network. He would not say how many paid members "The 700 Club" had, saying only that 600,000 people contributed \$130 million to the Christian Broadcasting Network in its last fiscal year.

### Money for Robertson Group

Mr. West said Victory Communications was responsible by contract for all aspects of the production Wednesday night, a production that so far has cost Americans for Robertson nothing and that is apparently intended to both pay for itself and make money for Americans for Robertson.

"They collect expenses and the rest and then subtract expenses and give you the proceeds," Mr. West said. "I understand that the idea is that you settle up once, and that's at the end." He refused to say how the event was being financed or what Victory's fee for coordinating it all would be.

The basic technique of a potential leader's baiting the hook is at least as old as the Old Testament, said Nancy Ammerman, an assistant professor of the sociology of religion at the Candler School of Theology at Emory University here.

"It's in the grand old tradition of what fundamentalists often refer to as 'putting out a fleece,'" said Professor Ammerman, whose father was a Southern Baptist preacher. "It comes from the story of Gideon," she said, "when God said, 'I want you to lead the faithful' and Gideon said, 'Who, me?' " To test the call, she said, Gideon put out a fleece, the first night to see if it would be dry in the morning while the ground around it was wet, and the second night to see if the fleece would get wet while the ground remained dry.

If that happened, as Professor Ammerman recalled the story, Gideon said "I'll know it's you, God." And that, she said, is Mr. Robertson's strategy: to involve the faithful repeatedly in his decision, so that the intent of God becomes apparent between them. "They will be looking for evidence," she said, "that this is in fact God's will."

# AMERICANS FOR ROBERTSON

## Petition

By this Petition, we the undersigned registered voters, who love America and believe in the traditional moral values upon which our Founding Fathers established this nation, hereby urge M.G. "Pat" Robertson to declare his candidacy for the nomination of the Republican Party to the Presidency of the United States of America. We pledge in support of his exploratory effort

**Our Prayers ★ Our Work ★ Our Gifts**

SIGNATURE	PRINT FULL NAME (CIRCLE TITLE)			PRINT FULL ADDRESS	PRINT CITY, STATE, ZIP	PRINT (AREA CODE) PHONE NO.	PLEASE CHECK VOLUNTEER ACTIVITIES YOU WILL HELP WITH IN CAMPAIGN						
	FIRST	MIDDLE	LAST				I WILL WORK DOOR-TO-DOOR	I WILL WORK IN ROBERTSON PHONE CENTER	I WILL DISPLAY SIGNS AND BANNER STRIPS	I WILL DONATE	I WILL HELP RAISE MONEY	I WILL CIRCULATE OTHER PETITIONS	
	MR.	MRS.	MS.	OTHER									
	MR.	MRS.	MS.	OTHER									
	MR.	MRS.	MS.	OTHER									
	MR.	MRS.	MS.	OTHER									
	MR.	MRS.	MS.	OTHER									
	MR.	MRS.	MS.	OTHER									
	MR.	MRS.	MS.	OTHER									
	MR.	MRS.	MS.	OTHER									
	MR.	MRS.	MS.	OTHER									

Authorized and paid for by Americans for Robertson Committee.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 15, 1986

Treasurer  
Americans For Robertson  
300 N. Washington Street  
Alexandria, VA 22301

Re: MUR 2262

Dear Sir or Madam:

The Federal Election Commission received a complaint which alleges that Americans For Robertson and you, as treasurer, 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 2262. 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 and Americans For Robertson in this matter. Your response 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.

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.

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 a statement authorizing such counsel to receive any notifications and other communications from the Commission.

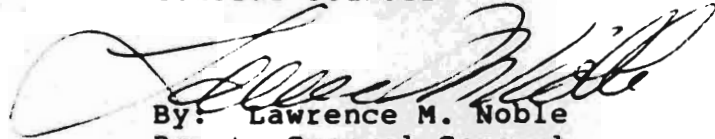
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plm

If you have any questions, please contact Robert Pease, the attorney assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele  
General Counsel



By: Lawrence M. Noble  
Deputy General Counsel

Enclosures  
Complaint  
Procedures  
Designation of Counsel Statement

88040724890





FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

October 15, 1986

M. G. (Pat) Robertson, President  
CBN Continental Broadcasting Network, Inc.  
CBN Center  
Virginia Beach, VA 23463

Re: MUR 2262

Dear Mr. Robertson:

The Federal Election Commission received a complaint which alleges that Continental Broadcasting Network, Inc. and you, as president, 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 2262. 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 and Continental Broadcasting Network, Inc. in this matter. Your response 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.

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.

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 a statement authorizing such counsel to receive any notifications and other communications from the Commission.

89040724897

plm

If you have any questions, please contact Robert Pease, the attorney assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele  
General Counsel



By: Lawrence M. Noble  
Deputy General Counsel

Enclosures  
Complaint  
Procedures  
Designation of Counsel Statement

38740724898





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 15, 1986

Michael K. Clifford, President  
Victory Communications International, Inc.  
6617 N. Scottsdale Road  
Suite 203  
Scottsdale, AZ 85253

Re: MUR 2262

Dear Mr. Clifford:

The Federal Election Commission received a complaint which alleges that Victory Communications International, Inc. 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 2262. 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 Victory Communications International, Inc. in this matter. Your response 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.

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.

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 a statement authorizing such counsel to receive any notifications and other communications from the Commission.

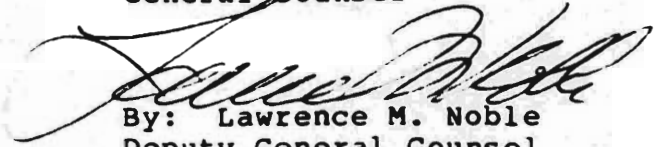
99040724899

plm

If you have any questions, please contact Robert Pease, the attorney assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele  
General Counsel



By: Lawrence M. Noble  
Deputy General Counsel

Enclosures  
Complaint  
Procedures  
Designation of Counsel Statement

83740724900



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 15, 1986

Mr. Harvey Furgatch  
c/o Time for Living  
5075 Shoreham Place  
San Diego, CA 92138-5285

Dear Mr. Furgatch:

This letter will acknowledge receipt of a complaint filed by you which we received on October 8, 1986, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by CBN Continental Broadcasting Network, Inc. and Mr. M. G. (Pat) Robertson as president, Victory Communications International, Inc. and Americans For Robertson. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as the original complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints. We have numbered this matter MUR 2262. Please refer to this number in all future correspondence. If you have any questions, please contact Retha Dixon at (202) 376-3110.

Sincerely,

Charles N. Steele  
General Counsel

By: Lawrence M. Noble  
Deputy General Counsel

Enclosure

83740724901

plm

100-1895

GEORGE D. WEBSTER  
CHARLES E. CHAMBERLAIN  
J. COLEMAN BEAN  
ARTHUR L. HEROLD  
ALAN P. DYE  
BURKETT VAN KIRK  
FRANK M. NORTHAM  
C. MICHAEL DEESE  
GERARD P. PANARO  
JOHN W. HAZARD, JR.  
CHARLES M. WATKINS

LAW OFFICES  
**WEBSTER, CHAMBERLAIN & BEAN**  
1747 PENNSYLVANIA AVENUE, N. W.  
WASHINGTON, D. C. 20006  
(202) 785-9500

October 31, 1986

BY HAND

Robert Pease, Esq.  
Office of the General Counsel  
Federal Election Commission  
Sixth Floor  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2262

Dear Mr. Pease:

Pursuant to our telephone conversation of yesterday, we are enclosing the Designation of Counsel form for respondent CBN Continental Broadcasting Network, Inc. ("CBN Continental"), one of the respondents in the above-referenced matter.

As we indicated yesterday, we were retained to represent CBN Continental on October 29. We did not actually receive a copy of Mr. Noble's letter of October 15 until today. We understand that our client received Mr. Noble's letter on October 17; accordingly, absent an extension of time, CBN Continental's response would be due on or before Monday, November 3, 1986.

In view of the fact that we only today received the materials necessary to enable us to begin preparing a response to the assertions made in the complainant's letter of October 3, it will not be possible for us to prepare an adequate response by November 3. Accordingly, on behalf of CBN Continental, we hereby request an extension of time until November 7, 1986 within which to respond.

Very truly yours,



Alan P. Dye

CMD:aj

93040724902

16 OCT 31 P12:00

RECEIVED  
FEDERAL ELECTION COMMISSION  
GENERAL COUNSEL

**STATEMENT OF DESIGNATION OF COUNSEL**

**NR** 2262

**NAME OF COUNSEL:** Alan P. Dye, Esquire, and C. Michael Deese

**ADDRESS:** 1747 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

**TELEPHONE:** (202) 785-9500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

CBN CONTINENTAL BROADCASTING NETWORK, INC.

Oct 30 86  
**Date**

By: [Signature]  
**Signature** Vice President

**RESPONDENT'S NAME:** CBN Continental Broadcasting Network, Inc.

**ADDRESS:** CBN Center  
Virginia Beach, Virginia 23463  
Attn: Office of General Counsel

**HOME PHONE:** \_\_\_\_\_

**BUSINESS PHONE:** (804) 424-7777

3 8 7 4 0 7 2 4 9 0 3

LAW OFFICE  
**MARION EDWYN HARRISON**  
1000 POTOMAC STREET, N.W.  
THIRD FLOOR  
WASHINGTON, D.C. 20007  
(202) 965-6300  
CABLE MEHLAW  
TELEX 89492  
FACSIMILE (202) 338-4903

October 31, 1986

Robert Pease, Esquire  
Office of the General Counsel  
Federal Election Commission  
Washington, D. C. 20463

Re: MUR 2262

Dear Mr. Pease:

We have been designated as Counsel for Respondent Americans for Robertson, Inc., and expect to be so designed for Respondent M. G. (Pat) Robertson.

On or before November 17, 1986 we expect to be able to respond substantively on behalf of those two clients, and to submit Designations of Counsel as to each, in this matter. I shall be out of town for nine days commencing November 1 and in any event do not yet have in hand one of the two required Designations of Counsel or certain other data.

We appreciate your consideration.

Sincerely,



MARION EDWYN HARRISON

MEH:j

CCC#1914

NOV 3 1986

A10:42

NOV 3 1986 12:00

GENERAL COUNSEL

88040724904

HAND DELIVERED

06 NOV 3 11:19

LAW OFFICES OF

**Struckmeyer and Wilson**

910 EAST OSBORN

PHOENIX, ARIZONA 85014

TELEPHONE (602) 248-9222

I.D. #66-0253207

CALIFORNIA AFFILIATED OFFICES

KURLANDER &amp; HIX

1455 SAN MARINO AVENUE

SAN MARINO, CALIFORNIA 91108

(213) 661-4897

DONALD R. WILSON  
 FRED C. STRUCKMEYER, JR.  
 MARK D. FULLERTON  
 WALLACE L. LARSON  
 ROBERT BRUCE STIRLING II  
 EDWIN B. MCLEAN, JR.  
 MARK F. BRINTON  
 GARVEY M. BIGGERS  
 JOLIENE D. KONKOL

October 31, 1986

Federal Express

Robert Pease, Esq.  
 FEDERAL ELECTION COMMISSION  
 1325 K Street, N.W.  
 Washington, D. C. 20463

Re: Furgatch v. Victory Communications  
 International, Inc.

Dear Mr. Pease:

With reference to the above matter, enclosed is the original and one copy for your files of the Response of my client, Victory Communications International, Inc., to the above-captioned Complaint.

Enclosed also is the Statement of Designation of Counsel signed by the President of Victory Communications International, Inc.

Should you have questions or comments regarding our Response, do not hesitate to contact me.

As noted in said Response, we represent only Victory Communications International, Inc. and no other respondent named in Mr. Furgatch's Complaint.

With best regards.

Very truly yours,

STRUCKMEYER AND WILSON

*Wallace L. Larson*  
 Wallace L. Larson

WLL:es  
 Enclosures

06 NOV 3 12:00

RECEIVED  
 OFFICE OF THE  
 GENERAL COUNSEL

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1 STRUCKMEYER AND WILSON

2 910 EAST OSBORN

3 PHOENIX, ARIZONA 85014

4 (602) 248-9222

5 Wallace L. Larson

6 Attorneys for Respondent

7 FEDERAL ELECTION COMMISSION

8 HARVEY FURGATCH,

9 Complainant,

10 v.

11 VICTORY COMMUNICATIONS  
12 INTERNATIONAL, INC.

13 Respondent.  
14

15 No. MUR 2262

16 RESPONSE TO  
17 COMPLAINT

18 COMES NOW VICTORY COMMUNICATIONS INTERNATIONAL, INC., an  
19 Arizona Corporation, through its undersigned counsel and hereby  
20 responds to the above-captioned Complaint filed by Harvey  
21 Furgatch.

22 VICTORY COMMUNICATIONS INTERNATIONAL, INC. has made no  
23 contribution in cash, in kind, or anything of value to M. G. Pat  
24 Robertson or AMERICANS FOR ROBERTSON, INC. and consequently we  
25 contend no Federal Election Commission investigation is at all  
26 appropriate as against VICTORY COMMUNICATIONS INTERNATIONAL,  
INC. Even assuming the truth of the statement at page 7 of the  
Complaint that VICTORY COMMUNICATIONS INTERNATIONAL, INC. rented



STRUCKMEYER AND WILSON

**910 EAST OSBORN**

**PHOENIX, ARIZONA 85014**

**(602) 248-9222**

Wallace L. Larson

Attorneys for Respondent

**FEDERAL ELECTION COMMISSION**

HARVEY FURGATCH,

Complainant,

No. MUR 2262

v.

## RESPONSE TO COMPLAINT

VICTORY COMMUNICATIONS  
INTERNATIONAL, INC.

Respondent.

COMES NOW VICTORY COMMUNICATIONS INTERNATIONAL, INC., an Arizona Corporation, through its undersigned counsel and hereby responds to the above-captioned Complaint filed by Harvey Furgatch.

VICTORY COMMUNICATIONS INTERNATIONAL, INC. has made no contribution in cash, in kind, or anything of value to M. G. Pat Robertson or AMERICANS FOR ROBERTSON, INC. and consequently we contend no Federal Election Commission investigation is at all appropriate as against VICTORY COMMUNICATIONS INTERNATIONAL, INC. Even assuming the truth of the statement at page 7 of the Complaint that VICTORY COMMUNICATIONS INTERNATIONAL, INC. rented

1 a membership list, payment of money for a membership list is not  
2 illegal and, in fact, is customary in the normal course of  
3 VICTORY business.

4 WHEREFORE, VICTORY COMMUNICATIONS INTERNATIONAL, INC. hereby  
5 requests that the Complaint captioned above be dismissed and that  
6 no further investigation go forward with regard to VICTORY  
7 COMMUNICATIONS INTERNATIONAL, INC.

8 DATED this 31<sup>st</sup> day of October, 1986.

9 STRUCKMEYER AND WILSON

10 By Wallace L. Larson  
11 Wallace L. Larson  
12 920 East Osborn  
13 Phoenix, Arizona 85014  
14 Telephone: (602-248-9222)

8  
3 8 0 4 0  
LAW OFFICES OF  
STRUCKMEYER AND WILSON  
910 EAST OSBORN  
PHOENIX, ARIZONA 85014  
(602) 248-9222


**STATEMENT OF DESIGNATION OF COUNSEL**

**NR** 2262  
**NAME OF COUNSEL:** Wallace L. Larson  
**ADDRESS:** STRUCKMEYER AND WILSON  
910 East Osborn  
Phoenix, Arizona 85014  
**TELEPHONE:** (602) 248-9222

The above-named individual is hereby designated as my  
counsel and is authorized to receive any notifications and other  
communications from the Commission and to act on my behalf before  
the Commission.

VICTORY COMMUNICATIONS INTERNATIONAL, INC.

October 31, 1986  
**Date**

By:   
**Signature** Michael K. Clifford,  
President

**RESPONDENT'S NAME:** VICTORY COMMUNICATIONS INTERNATIONAL, INC.  
**ADDRESS:** 6617 North Scottsdale Road - 203  
Scottsdale, Arizona 85253  
**HOME PHONE:**  
**BUSINESS PHONE:** (602) 951-8444

33040724909

GC#1922

LAW OFFICE  
**MARION EDWYN HARRISON**  
1000 POTOMAC STREET, N.W.  
THIRD FLOOR  
WASHINGTON, D.C. 20007  
(202) 965-6300  
CABLE MEHLAW  
TELEX 89492  
FACSIMILE (202) 338-4903

November 3, 1986

Robert Pease, Esquire  
Office of the General Counsel  
Federal Election Commission  
Sixth Floor  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2262

Dear Mr. Pease:

In accordance with our telephone conversation today, we request an extension in the above case until November 17, 1986.

We appreciate your consideration.

Sincerely,



DONNA REED  
Secretary to Mr. Harrison

01657204066

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RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 5, 1986

Allan P. Dye  
Webster, Chamberlain & Bean  
1747 Pennsylvania Ave., N.W.  
Washington, D.C. 20006

Re: MUR 2262

Dear Mr. Dye:

This is in response to your letter dated October 31, 1986, in which you request an extension of time until November 7, 1986, to respond to the allegations against your client, CBN Continental Broadcasting, Inc.

I have reviewed your request and agree to the requested extension. Accordingly, your response is due no later than November 7, 1986. If you have any questions, please contact Robert E. Pease at (202) 376-8200.

Sincerely,

Charles N. Steele  
General Counsel

BY: Lawrence M. Noble  
Deputy General Counsel

33040724911



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 5, 1986

Marion Edwyn Harrison, Esq.  
1000 Potomac Street, N.W.  
Third Floor  
Washington, D.C. 20007

Re: MUR 2262

Dear Mr. Harrison:

This is in response to your letter dated November 3, 1986, in which you request a two-week extension of time to respond to the allegations against your clients, Americans for Robertson, Inc., and M.G. (Pat) Robertson.

I have reviewed your request and agree to the requested extension. Accordingly, your response is due no later than November 17, 1986. If you have any questions, please contact Robert E. Pease at (202) 376-8200.

Sincerely,

Charles N. Steele  
General Counsel

BY: Lawrence M. Noble  
Deputy General Counsel

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CCC#1949

GEORGE D. WEBSTER  
CHARLES E. CHAMBERLAIN  
J. COLEMAN BEAN  
ARTHUR L. HEROLD  
ALAN P. DYE  
BURKETT VAN KIRK  
FRANK M. NORTHAM  
C. MICHAEL DEESE  
GERARD P. PANARO  
JOHN W. HAZARD, JR.  
CHARLES M. WATKINS

LAW OFFICES  
**WEBSTER, CHAMBERLAIN & BEAN**  
1747 PENNSYLVANIA AVENUE, N. W.  
WASHINGTON, D. C. 20006  
(202) 785-9500

November 7, 1986

36 NOV 7 AIO: 55

RECEIVED  
OFFICE OF  
GENERAL COUNSEL

BY HAND

Robert Pease, Esq.  
Office of the General Counsel  
Federal Election Commission  
Sixth Floor  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2262

Dear Mr. Pease:

The undersigned represent CBN Continental Broadcasting Network, Inc. ("Continental") and M. G. (Pat) Robertson, in his capacity as President of Continental, in the above-referenced matter. We understand that Mr. Robertson is represented by other counsel with respect to that portion of the complaint addressing Mr. Robertson individually.

The purpose of this correspondence is to correct several factual errors in the complaint dated October 3, 1986, which complaint forms the basis for the Commission's investigation of this matter. When those errors are recognized, it is clear that Continental should not be a respondent in this proceeding. With respect to Continental, the complaint appears to assert that:

1. Continental's "satellite broadcast facilities" were used during the September 17, 1986 video conference described in the complaint (page 2).
2. Continental "carries" "The 700 Club" television program to 8 million households (page 7). Mr. Robertson obtains "an additional advantage over his rivals" through the use of Continental's broadcast facilities (page 6).

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WEBSTER, CHAMBERLAIN & BEAN

Robert Pease, Esq.  
November 7, 1986  
Page Two

3. Americans for Robertson and/or Mr. Robertson used Continental's facilities to create a mailing list (page 7).

Each of the foregoing assertions is demonstrably false, inasmuch as:

1. Continental owns no "satellite broadcast facilities" (Robert E. Johnson Affidavit, ¶ 4). Continental owns one radio station and two television stations (Johnson Aff., ¶ 3).
2. Continental does not produce and is not responsible for the content of "The 700 Club" television program, and does not "carry" the program to 8 million households. The two television stations owned by Continental carry the program on a commercial basis, as do almost 180 television stations not owned by or related to Continental (Johnson Aff., ¶6).
3. Continental has not rented or otherwise provided any mailing or membership list to Victory Communications International, Inc. (Johnson Aff., ¶5).

As is evident from the Johnson affidavit, the complaint mistakenly asserts that Continental was involved in the September 17 video conference when it in fact was not.

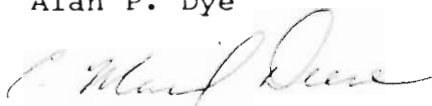
For the foregoing reasons, we believe that the Commission has before it no facts which would permit it to take action against either Continental or Mr. Robertson in his capacity as president of Continental. Accordingly, we would ask that the matter be closed as to these respondents.

We would be pleased to provide you with any further information you may require.

Sincerely,



Alan P. Dye



C. Michael Deese

93040724914



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

M.G. (PAT) ROBERTSON  
AMERICANS FOR ROBERTSON  
CBN CONTINENTAL BROADCASTING  
NETWORK, INC.  
VICTORY COMMUNICATIONS  
NETWORK, INC.

)  
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MUR 2262

AFFIDAVIT OF ROBERT E. JOHNSON

Robert E. Johnson, being first duly sworn, deposes and says as follows:

1. I am Senior Vice President of CBN Continental Broadcasting Network, Inc. ("Continental"), CBN Center, Virginia Beach, Virginia 23463.

2. Continental is a for-profit corporation organized and existing pursuant to the laws of the State of Delaware.

3. Continental owns one radio station and two television stations.

4. Continental owns no satellite broadcast facilities.

5. Continental has not rented or otherwise provided any mailing or membership list to Victory Communications International, Inc.

6. Continental does not produce and is not responsible for the content of "The 700 Club" television program, and does not "carry" the program to 8 million households. The two television stations owned by Continental carry the program on a commercial

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ROBERT E. JOHNSON

Alicia L. Greenfield  
Notary Public

My commission expires April 21, 1987.

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

RECEIVED  
FEC  
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**SENSITIVE**

**FIRST GENERAL COUNSEL'S REPORT**

26 NOV 12 A10:43

Date and Time of Transmittal to  
the Commission by OGC \_\_\_\_\_

MUR 2262  
Date Complaint Received  
by OGC: 10/8/86  
Date of Notification to  
Respondents: 10/16/86  
Staff Member: Pease

COMPLAINANT'S NAME: Harvey Furgatch

RESPONDENTS' NAMES: 1) M.G. (Pat) Robertson;  
2) Americans for Robertson and its unnamed  
treasurer;  
3) CBN Continental Broadcasting Network,  
Inc., Pat Robertson, president;  
4) Victory Communications International, Inc.

RELEVANT STATUTE: 2 U.S.C. §§ 431(2), 433, 434, 441b(a),  
11 C.F.R. §§ 100.7(b)(1) and 100.8(b)(1)

INTERNAL REPORTS  
CHECKED: No reports found for Americans for Robertson.

FEDERAL AGENCIES  
CHECKED: None

**SUMMARY OF ALLEGATIONS**

This MUR concerns the exploratory candidacy of M.G. (Pat) Robertson. The complaint, filed by Mr. Harvey Furgatch, alleges that Mr. Robertson is a candidate for the presidency and should not be permitted to benefit from the "testing the waters" provisions of the regulations. The complainant alleges that Robertson's exploratory committee, Americans for Robertson, should be required to disclose its activities. The complainant further alleges that Mr. Robertson was the beneficiary of

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prohibited corporate contributions based on activity surrounding a September 17, 1986, nationwide broadcast by Robertson. On September 17, 1986, Mr. Robertson stated that he would be a candidate for president "if by September 17, 1987, one year from today, 3 million registered voters have signed petitions telling me that they will pray, that they will work, and that they will give toward my election." It is alleged that "Robertson further asked those present for contributions of \$100 each to his 'exploratory committee,' Americans for Robertson." Complaint at 2. Mr. Furgatch contends that this announcement was organized by Victory Communications, Inc., and broadcast through the use of CBN Continental Broadcasting Network, Inc. ("CBN"), satellite facilities resulting in prohibited corporate contributions from Victory Communications and CBN to the Robertson campaign. The complaint further alleges that because of these activities, Robertson has become a candidate under the Act and the regulations and his activities should not fall under the "testing the waters" provisions of the regulations. In support of these allegations, the complaint attached newspaper articles concerning the September 17, 1986, broadcast.

Respondents Robertson, Americans for Robertson, and CBN Continental Broadcasting Network, Inc., have requested and were granted extensions of time to respond to the allegations in the complaint. The last response date is November 17, 1986.

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Respondent Victory Communications International, Inc., has filed a response urging dismissal of the complaint by the Commission. After receiving all of the responses, this Office will promptly submit a report containing recommendations concerning reason to believe.

12 Nov 1986  
Date

  
\_\_\_\_\_  
Charles N. Steele  
General Counsel

83040724919



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE  
GENERAL COUNSEL

FROM: *MWE* MARJORIE W. EMMONS/CHERYL A. FLEMING *CAM*

DATE: NOVEMBER 13, 1986

SUBJECT: MUR 2262 - FIRST GENERAL COUNSEL'S REPORT  
SIGNED NOVEMBER 12, 1986

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The above-captioned matter was received in the Office of the Secretary of the Commission Wednesday, November 12, 1986 at 10:43 A.M. and circulated to the Commission on a 24-hour no-objection basis Wednesday, November 12, 1986 at 4:00 P.M.

There were no objections received in the Office of the Secretary of the Commission to the First General Counsel's Report signed November 12, 1986.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

M. G. (PAT) ROBERTSON  
AMERICANS FOR ROBERTSON  
CBN CONTINENTAL  
BROADCASTING NETWORK, INC.  
VICTORY COMMUNICATIONS  
INTERNATIONAL, INC.

MUR 2262

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RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

ANSWER OF RESPONDENTS

M. G. (PAT) ROBERTSON AND AMERICANS FOR ROBERTSON, INC.

I. Introduction

Respondents M. G. (Pat) Robertson ("Respondent Robertson") and Americans for Robertson, Inc. ("Respondent AR") answer herewith.

Respondents CBN Continental Broadcasting Network, Inc. ("Respondent CBN Continental") and Victory Communications International, Inc. ("Respondent Victory") answer by their own counsel. Except to the extent necessary to refute the allegations against Respondents Robertson and AR, this Answer does not purport to speak for Respondents CBN Continental or Victory or for Dr. M. G. (Pat) Robertson in his capacity as President of Respondent CBN Continental.

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II. Identification of Complainant  
and Nature of the Complaint

Complainant, Mr. Harvey Furgatch, upon information and belief, is an affluent real estate developer, living in Delmar, California and maintaining offices in San Diego, holding no public office (although once a San Diego Port Commissioner) and long active in supporting sundry liberal causes. Neither Respondent Robertson nor Respondent AR has an acquaintance with, or any direct knowledge of, Complainant.

The Complaint is a mixture of hearsay and argument. Complainant appears to derive his allegations solely from six newspaper articles, Complainant's Exhibits A-F, and an unnumbered photocopy of a blank petition, which upon its obverse (accurately) recites that it is authorized and paid for by Respondent AR.

The allegations of the Complaint are said to be predicated upon that which Complainant "believes ..." Thus, Respondents Robertson and AR are compelled to answer charges by a citizen meddler, who, however well intentioned, presents his interpretations of newspaper hearsay.

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### III. Applicability of Title 47

At the bottom of the first paragraph of the Complaint, Complainant, in somewhat delphic fashion, refers, citing, e.g., 47 USC §§312 and 315, to "other statutes not specifically within [Federal Election Commission] jurisdiction but which would be affected by the outcome of the [Federal Election] Commission's investigation of this complaint."

Neither the cited sections of Title 47 nor any other provision in Title 47 is "specifically" or impliedly within Federal Election Commission jurisdiction. Further, neither Respondent Robertson nor Respondent AR has violated, or in the nature of things could violate, Title 47 or the cited §§312 and 315. These statutes confer jurisdiction upon the Federal Communications Commission under certain circumstances to revoke broadcasting licenses or construction permits and to require equal time for "a legally qualified candidate for any public office to use a broadcasting station ..." Neither Respondent Robertson nor Respondent AR is a broadcasting station nor is Respondent Victory. For certain purposes Respondent CBN Continental may be said to be a broadcasting station but Respondents Robertson and AR have not utilized the services of Respondent CBN Continental in connection with any matter which the Complaint addresses.

#### IV. Issues

Although the Complaint is not notably clear, Complainant appears to ask the Federal Election Commission (1) to "conclude ... as a matter of law" that Respondent Robertson is a presidential candidate within the pervue of the Federal Election Campaign Act of 1971, as amended ("Act") (Complaint, page 3); (2) to determine whether the providing of services by Respondent Victory and the alleged providing of services by Respondent CBN Continental to Respondents Robertson and AR violates 2 USC §441b(a) (Complaint, pages 3-4); and (3) "to take those steps necessary under the Act to immediately correct such [alleged] violations." (Complaint, page 8)

Respondent CBN Continental has not provided to Respondents Robertson or AR mailing, membership or any other such services, Complainant's contrary allegations notwithstanding. Affidavit of Mr. Robert E. Johnson, Attachment One.

Thus, the issues, as fairly derived from the allegations of the Complaint, are the following:

1. Whether Respondent Robertson and/or Respondent AR unlawfully have contracted with, or otherwise

acquiesced in the providing of services by, Respondent Victory?

2. Whether Respondent Robertson is a presidential candidate?

#### V. Facts

To understand the pertinent facts, it is well first to correct the factual errors in the allegations in the Complaint.

1. "For several months, [Respondent] Robertson has actively engaged in general public advertising directed to the solicitation of funds on a mass scale." (Complaint, page 2)

There has been no "general public advertising" and the funds solicitation effort has been, and continues to be, integrally a part of an overall petitioning program necessary to test the waters for a presidential candidacy. Affidavit of R. Marc Nuttle, Esquire, Attachment Two.

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Respondents Robertson and AR invited selected people to one or the other of two dinners on August 1 and 2, 1986, at which Respondent Robertson spoke and in connection with which there was no "general public advertising" or public solicitation of funds. On Constitution Day, September 17, 1986, Respondent AR, through Respondent Victory, arranged a nationwide videoconference at which Respondent Robertson spoke. As Complainant avers, Respondent Robertson announced that "If by September 17, 1987, ... 3 million registered voters have signed petitions telling [him] that they will pray, that they will work, and that they will give toward [his] election ...", he then would become a candidate.

Although Complainant somewhat cynically states that "The success of this endeavor according to [Respondent] Robertson, will tell him whether he should announce his candidacy for President of the United States", in fact, the commitment is as precise and as public as a commitment could be, by its own precision and repetition belying any contrary or diluting interpretation. That Complainant in his own mind may believe Respondent Robertson will run for President without the stated support or will not run with the stated support is a subjective assumption without corroboration and contrary to the evidence on the point.

2. "...[O]n September 17, 1986, through the use of [Respondent] CBN's satellite broadcast facilities, [Respondent] Robertson addressed ..." (Complaint, page 2.)

Respondent Robertson used no such facility.

Attachment One

3. The September 17 event, organized by Respondent Victory, "was expected to raise gross revenues of between \$5 million to \$10 million, according to" the President of Respondent Victory.

That individual's opinion, if accurately reflected, is neither relevant nor material. Neither Respondent Robertson nor AR had an expectation of a quantified sum of money declarants would contribute to finance the exploratory effort.

Attachment Two

4. "On September 14, 1986, prior to the scheduled event, [Respondent] Robertson was reported to have prepared a letter pre-dated to September 18, 1986, ... that [sic] stated that he had announced, the previous day, to seek the nomination ... subject to several conditions ...". (Complainant, page 3)

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The allegation, although phrased to portend some undefined illegality, substantially is accurate.

5. "[Respondent] Robertson's tactics create an additional advantage over his rivals through the use of his broadcast facilities at CBN ..." (Complaint, page 6)

As noted supra, there has been no use of "broadcast facilities at CBN".

6. "The membership list of the '700 Club' was rented to [Respondent] Victory ..." (Complaint, page 7)

The entire paragraph from which the foregoing is excerpted manifests an attempt to create a totality greater than the sum of its parts. The 700 Club television show does feature [Respondent] Robertson in his well established capacity as a television host and business, political, religious and social commentator. The audience is nationwide and large. However, no such mailing list was rented. Attachment One.

The balance of the cited paragraph, as well as its overall tenor, is argumentative.

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Upon the basis of the foregoing allegations, as factually corrected herein, Complainant concludes that there have been statutory violations and that Respondent Robertson is a candidate.

More accurately and more concisely, the pertinent facts may be summarized as follows.

1. Respondent AR is an exploratory or testing the waters committee, incorporated, existing and functioning as such. If and when Respondent Robertson becomes a candidate for federal election, Respondent AR will file with the Federal Election Commission and thereafter report, retroactive to the date of its incorporation. Meantime, Respondent AR is endeavoring to comply with all federal election law requirements in view of the applicable regulations which, although arguably not supported by statute, on their face require retroactive compliance.

2. Respondent Robertson on August 1 and 2, 1986, speaking to selected invitees, laid the groundwork for his September 17 announcement and commitment.

3. On September 17 Respondent Robertson declared with specificity, and since frequently has repeated with equal specificity, the exact minimum measure of support he must have if he is to offer his candidacy.

4. Respondent AR negotiated turnkey contracts with Respondent Victory, which is a commercial venture, specializing, inter alia, in televideo activities, for the logistics of the August 1, August 2 and September 17 events. Such contracting evolved from arms-length negotiations between Respondents AR and Victory; was deemed a sound business proposition; and neither was intended to produce, nor produced, a monetary or in-kind contribution from Respondent Victory to Respondent Robertson and/or Respondent AR.

5. Respondent Robertson, through his exploratory committee, Respondent AR, continues to test the waters, consistent with his pledge to determine whether there is the required voter support for a candidacy.



## VI. Argument

Argument, and the further proceedings of this Commission, must be based upon the facts and not upon Complainant's beliefs or personal interpretations of media hearsay.

### 1. Absence of Corporate Contribution

No corporation has contributed, in cash or in kind, to Respondent Robertson in connection with a political matter and none to Respondent AR in connection with any matter. Thus, there is no violation of 2 USC §441b(a).

Respondent Victory is a for-profit corporation, under no legal disability to refrain from earning, or attempting to earn, a profit upon a transaction. As noted supra, no mailing list, membership list or the like of Respondent CBN has been utilized.

### 2. No Robertson Candidacy

The gist of Complainant's argument is that Respondent Robertson has become a candidate because Respondent AR, in response to Respondent Robertson's precise statement of intent and clear commitment, is appealing to too many people and

raising and expending money in excess of some undisclosed limitation which Complainant believes this Commission means to impose.

Complainant cites 11 CFR \$100.7(b)(i)(ii), meaning \$100.7(b)(1)(ii), and the counterpart language of \$100.8(b)(i)(ii), meaning \$100.8(b)(1)(ii), for the proposition that the exploratory exemption to the definitions of a "contribution" and an "expenditure" is inapplicable when "The individual uses general public political advertising to publicize his ... intention to campaign ... [or] ... raises funds in excess of what could reasonably be expected to be used for exploratory activities or undertakes activities designed to amass campaign funds ...".

Each of these three manifestations is set forth as an example to "indicate that an individual has decided to become a candidate ...". Thus, if an individual has made a decision as to candidacy none of the examples for conduct tests is applicable. In every instance this Commission has addressed, the individual had made no statement indicating--much less indicating precisely--the conditions under which he would become a candidate. In the instant case Respondent Robertson with clarity and precision has affirmed and reaffirmed

precisely the level of voter support he must receive if he is to become a candidate.

Hence, none of the three examples is applicable because there is no activity "indicating that [Respondent Robertson] has decided to become a candidate". Nevertheless, one may look to the criteria to note that, even were it appropriate to apply the criteria, they are factually inapplicable.

There is no "general public political advertising". No fund "in excess of what could reasonably be expected to be used for exploratory activities" has been raised. Indeed, as of this writing, the funds volunteered by citizen petitioners have not liquidated Respondent AR's startup commercial obligations or provided revenue sufficient to maintain an ongoing, but limited, testing-the-waters effort. Affidavit of Mr. Thomas Atwood, Attachment Three. Without that effort Respondent AR would be precluded from testing to determine whether three million voters would support a candidacy and the same three million people, if three million there be, would be precluded from signing and submitting petitions advising Respondent Robertson that they will pray, work and contribute toward a candidacy should he become a candidate.

Complainant's rationale assumes that three million voters spread across 51 political jurisdictions, without cost or coordination, somehow can finance, create, circulate, sign and file petitions bearing three million voter signatures--an obvious impossibility.

This Commission need not speculate as to the amassing of funds to be spent after Respondent Robertson "becomes a candidate" inasmuch as no such fund is amassed and the triggering figure of three million voter signatures is not imminent.

Complainant cites in conclusory fashion AO 1981-32 (October 2, 1981) and AO 1985-40 (January 24, 1986). Complainant analyzes neither AO 1981-32, which allowed former Governor Reuben Askew to take advantage of exemptions, nor AO 1985-40, which allows former Senator Howard H. Baker, Jr. to do so. Complainant does not cite AO 1982-3 (March 15, 1982), approving certain presidential activities of Senator Alan L. Cranston, or AO 1986-6 (March 14, 1986), approving certain activities of Vice President George Bush. The Bush opinion allows activities far more extensive than those of Respondents Robertson and AR. Yet this Commission finds the Vice President's and his

Committee's activities rise only to the level of party-building, not even testing the waters, much less a candidacy.

The rationale in all four opinions must be harmonized. Complainant cannot excerpt the message of "strong caution" from AO 1981-32, merely cite AO 1985-40 and ignore the facts and rationale of all four.

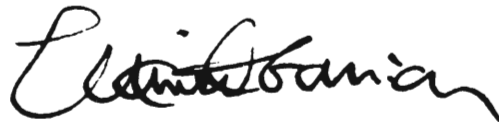
The key to AO 1981-32 (Askew) also essentially is the key in MUR 2262. In AO 1981-32, the Commission states that "it is apparent that the regulations seek to draw distinction between activities directed to an evaluation of the feasibility of one's candidacy, as distinguished from conduct signifying that a private decision to become a candidate has been made." AO 1981-31, CCH ¶ 5620, at 10,784.

This Commission could not be sure in either Askew or Baker, and implicitly was not sure in Bush, as to what private decision, if any, had been made. In the instant matter there is no doubt. The decision is public, fully and repeatedly avowed. Respondent Robertson has articulated a test. If that test be fulfilled, he will offer his candidacy.

Respondent Robertson clearly is not a candidate and equally clearly may never be one. Concomitantly, Respondent AR is not a campaign committee and may never become one.

VII. Prayer

The Federal Election Commission summarily should dismiss the Complaint. 11 CFR §111.7(b). Respondents Robertson and AR have violated no provision of law, there having been no receipt of an unlawful cash or in-kind contribution. Complainant's views as to Title 47 matters are inapplicable upon the facts and beyond the jurisdiction of this Commission. Respondent Robertson has not yet become, and may or may not ever become, a candidate.



MARION EDWYN HARRISON

Law Offices Marion Edwyn Harrison  
1000 Potomac Street, N.W.  
Third Floor  
Washington, D.C. 20007  
(202) 965-6300

Counsel for Respondents  
M. G. (Pat) Robertson and  
Americans for Robertson, Inc.

November 17, 1986

339040724937

**M.G. (PAT) ROBERTSON  
AMERICANS FOR ROBERTSON  
CBN CONTINENTAL BROADCASTING  
NETWORK, INC.  
VICTORY COMMUNICATIONS  
NETWORK, INC.**

**MUR 2262**

Robert E. Johnson, being first duly sworn, deposes and says as follows:

1. I am Senior Vice President of CBN Continental Broadcasting Network, Inc. ("Continental"), CBN Center, Virginia Beach, Virginia 23463.

2. Continental is a for-profit corporation organized and existing pursuant to the laws of the State of Delaware.

3. Continental owns one radio station and two television stations.

4. Continental owns no satellite broadcast facilities.

5. Continental has not rented or otherwise provided any mailing or membership list to Victory Communications International, Inc.

6. Continental does not produce and is not responsible for the content of "The 700 Club" television program, and does not "carry" the program to 8 million households. The two television stations owned by Continental carry the program on a commercial

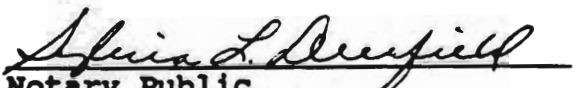
basis, as do almost 180 television stations not owned by or related to Continental.

Further affiant sayeth not.

  
ROBERT E. JOHNSON

Commonwealth of Virginia )  
  )   ss.:  
City of Virginia Beach     )

Sworn to and subscribed before me this 5<sup>th</sup> day of November, 1986.

  
Notary Public

My commission expires April 21, 1987.

833040724938



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

M. G. (PAT) ROBERTSON  
AMERICANS FOR ROBERTSON  
CBN CONTINENTAL  
BROADCASTING NETWORK, INC.  
VICTORY COMMUNICATIONS  
INTERNATIONAL, INC.

MUR 2262

AFFIDAVIT OF R. MARC NUTTLE, ESQUIRE

R. Marc Nuttle, first sworn, deposes and says as follows:

1. I am Coordinator, Americans for Robertson, Inc. ("AR"), 300 North Washington Street, Alexandria, Virginia.

2. AR is a not-for-profit corporation organized and existing pursuant to the laws of the District of Columbia.

3. I have read the Complaint in MUR 2262.

4. AR has engaged in no general public advertising. Selected persons were invited to attend exploratory events, held August 1 and 2 and September 17, 1986. There has been no funds solicitation except as an integral part of a specific

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testing of the waters program--to determine whether three million voters are willing to commit to a candidacy

5. At no time has there been a quantification of the sum of money which petitioners might contribute to the testing of the waters effort in conjunction with their submission of petition signatures. The object with respect to funds has been, and continues to be, the receipt of such funds as are necessary to administer the testing of the waters program.

6. There is no goal of amassing funds for use in a subsequent candidacy. No funds now are amassed.

Further Affiant sayeth not.

R. Marc Nuttle  
R. MARC NUTTLE

33040724940

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

M. G. (PAT) ROBERTSON  
AMERICANS FOR ROBERTSON  
CBN CONTINENTAL  
BROADCASTING NETWORK, INC.  
VICTORY COMMUNICATIONS  
INTERNATIONAL, INC.

MUR 2262

AFFIDAVIT OF MR. THOMAS C. ATWOOD

Thomas C. Atwood, first sworn, deposes and says as follows:

1. I am Controller, Americans for Robertson, Inc. ("AR"), 300 North Washington Street, Alexandria, Virginia.
2. AR is a not-for-profit corporation organized and existing pursuant to the laws of the District of Columbia.
3. I have read the Complaint in MUR 2262.
4. AR has not yet liquidated AR's startup commercial obligations and received revenue sufficient to maintain an ongoing, but limited, testing-the-waters effort.

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Further Affiant sayeth not.

  
THOMAS C. ATWOOD

COMMONWEALTH OF VIRGINIA ]  
] ss:  
City of Alexandria ]

Sworn to and subscribed before me this 14<sup>th</sup> day of  
November, 1986.

  
Notary Public

My commission expires My Commission Expires October 10 1987.

93040724942

**STATEMENT OF DESIGNATION OF COUNSEL**

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**NR** 2262

**NAME OF COUNSEL:** Marion Edwyn Harrison, Esquire

**ADDRESS:** 1000 Potomac Street, N.W.  
Third Floor  
Washington, DC 20007

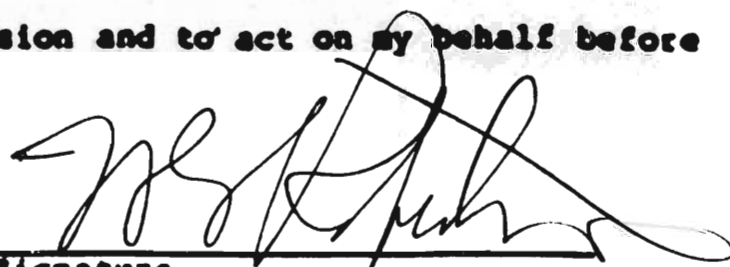
**TELEPHONE:** 202-965-6300

The above-named individual is hereby designated as my  
counsel and is authorized to receive any notifications and other  
communications from the Commission and to act on my behalf before  
the Commission.

November 7, 1986

**Date:**

**Signature**



**RESPONDENT'S NAME:** M.G. (Pat) Robertson

**ADDRESS:** Box 64303  
Virginia Beach, VA 23464

**HOME PHONE:** -----

**BUSINESS PHONE:** 804 424-7777

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GENERAL COUNSEL  
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**STATEMENT OF DESIGNATION OF COUNSEL**

**NR**

2262

**NAME OF COUNSEL:** Marion Edwyn Harrison, Esquire

**ADDRESS:** 1000 Potomac Street, N.W.

Third Floor

Washington, D.C. 20007

**TELEPHONE:** 202 965-6300

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

October 27, 1986

**Date**

*Carmelita Harrison*  
**Signature**

Mrs. Carmelita Harrison  
Secretary

**RESPONDENT'S NAME:** Americans For Robertson, Inc.

**ADDRESS:** 300 North Washington Street

Alexandria, Virginia 22314

**HOME PHONE:**

**BUSINESS PHONE:**

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MUR 2262

November 6, 1986

Charles Steele  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Mr. Steele:

I designate Richard Mayberry, Esq. of Richard Mayberry & Associates as my counsel in connection with the complaint I filed against Reverend Pat Robertson for alleged violations of the Campaign Act.

Please direct all communications to Mr. Mayberry's office:

Richard Mayberry & Associates  
Suite 202  
1055 Thomas Jefferson Street, N.W.  
Washington, D.C. 20007.

Thank you for your cooperation.

Sincerely,

*H Furgatch*  
Harvey Furgatch

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GENERAL COUNSEL

86 DEC 5 PM 12:10

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

M. G. (PAT) ROBERTSON  
 AMERICANS FOR ROBERTSON  
 CBN CONTINENTAL  
 BROADCASTING NETWORK, INC.  
 VICTORY COMMUNICATIONS  
 INTERNATIONAL, INC.

MUR 2262

6 DEC 5 PM 4:10

AFFIDAVIT OF R. MARC NUTTLE, ESQUIRE

R. Marc Nuttle, first sworn, deposes and says as follows:

1. I am Coordinator, Americans for Robertson, Inc. ("AR"), 300 North Washington Street, Alexandria, Virginia.

2. AR is a not-for-profit corporation organized and existing pursuant to the laws of the District of Columbia.

3. I have read the Complaint in MUR 2262.

4. AR has engaged in no general public advertising. Selected persons were invited to attend exploratory events, held August 1 and 2 and September 17, 1986. There has been no funds solicitation except as an integral part of a specific

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testing of the waters program--to determine whether three million voters are willing to commit to a candidacy

5. At no time has there been a quantification of the sum of money which petitioners might contribute to the testing of the waters effort in conjunction with their submission of petition signatures. The object with respect to funds has been, and continues to be, the receipt of such funds as are necessary to administer the testing of the waters program.

6. There is no goal of amassing funds for use in a subsequent candidacy. No funds now are amassed.

Further Affiant sayeth not.

R. Marc Nuttle  
R. MARC NUTTLE

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State of Oklahoma  
COMMONWEALTH OF VIRGINIA  
Cleveland County  
City of Alexandria

ss:

Sworn to and subscribed before me this 17th day of  
November, 1986.

Tracy A. Campbell  
Notary Public

My commission expires March 19, 1989.

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## VI. Argument

Argument, and the further proceedings of this Commission, must be based upon the facts and not upon Complainant's beliefs or personal interpretations of media hearsay.

### 1. Absence of Corporate Contribution

No corporation has contributed, in cash or in kind, to Respondent Robertson in connection with a political matter and none to Respondent AR in connection with any matter. Thus, there is no violation of 2 USC §441b(a).

Respondent Victory is a for-profit corporation, under no legal disability to refrain from earning, or attempting to earn, a profit upon a transaction. As noted supra, no mailing list, membership list or the like of Respondent CBN Continental has been utilized.

### 2. No Robertson Candidacy

The gist of Complainant's argument is that Respondent Robertson has become a candidate because Respondent AR, in response to Respondent Robertson's precise statement of intent and clear commitment, is appealing to too many people and

LAW OFFICE OF  
**RICHARD MAYBERRY & ASSOCIATES**  
SUITE 202  
1055 THOMAS JEFFERSON ST., N.W.  
WASHINGTON, D. C. 20007  
(202) 337-4172

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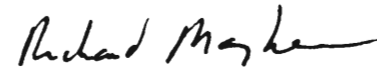
December 11, 1986

Charles Steele  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Mr. Steele:

Please find enclosed a statement designating our firm as  
counsel to Mr. Furgatch in connection with the complaint recently  
filed in connection with Dr. M.G. Robertson.

Sincerely,



Richard Mayberry

HRM/mrj

Enclosure

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STATEMENT OF DESIGNATION OF COUNSEL to F.E.C.

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NAME OF COUNSEL: RICHARD MAYBERRY

DEC 8 1986

ADDRESS: 1055 Thomas Jefferson Street, N.W. MAYBERRY & ASSOCIATES.  
Suite 202  
Washington, D.C. 20007

TELEPHONE: (202) 337-4172

The above-named individual is hereby designated as my  
counsel and is authorized to receive any notifications and  
other communications from the Commission and to act on my  
behalf before the Commission.

10-24-86  
Date

H Furgatch  
Signature

NAME: HARVEY FURGATCH

ADDRESS: Time for Living  
5075 Shoreham Place  
Suite 250  
San Diego, CA 92122 -

HOME PHONE:

BUSINESS PHONE: (619) 453-2220

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of  
M.G. (PAT) ROBERTSON

)  
) MUR 2262  
)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

The complainant, Mr. Harvey Furgatch, alleges that Reverend M.G. (Pat) Robertson is a candidate for the 1988 Republican presidential nomination and as such should not be permitted to utilize the "testing the waters" provisions of the Commission's regulations. See 11 C.F.R. § 100.7(b)(1). Mr. Furgatch contends that because Mr. Robertson is a federal candidate, his campaign committee, Americans for Robertson (hereinafter "AFR"), should be required to report its campaign activities pursuant to 2 U.S.C. § 434. The complainant further alleges that CBN Continental Broadcasting Network, Inc. (hereinafter "CBN Continental"), with Mr. Robertson as president of CBN Continental, and Victory Communications International, Inc. (hereinafter "Victory Communications") violated 2 U.S.C. § 441b by making prohibited corporate contributions to Mr. Robertson and AFR by providing services in connection with a September 17, 1986 nationwide broadcast by Mr. Robertson. The respondents were promptly notified of the filing of the complaint and have all now responded to the allegations.

According to the complaint, on September 17, 1986, Mr. Robertson, in a nationwide broadcast, announced that "if by September 17, 1987, one year from today, 3 million registered

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voters have signed petitions telling me that they will pray, that they will work, and that they will give toward my election, then I will run as a candidate for the nomination of the Republican Party for the office of president of the United States of America." Exhibit A<sup>1</sup>/; Response of Robertson and AFR at 6. This broadcast was seen by approximately 200,000 persons in 216 locations throughout the county. Exhibit B. The complaint alleges that the broadcast was made "through the use of CBN's satellite broadcast facilities," was organized by Victory Communications, that the broadcast cost as much as \$3 million and was expected to raise gross revenues of between \$5 million and \$10 million. The complaint further alleges that Robertson has "for several months . . . actively engaged in general public advertising directed to the solicitation of funds on a mass scale," including sending a direct-mail fundraising letter which declared that Robertson reached his "qualified" decision "in response to tens of thousands of people across America . . . clapping and shouting, urging me -- 'GO FOR IT, Pat! . . . I AM READY TO GO FOR IT. Now its up to you.'" (emphasis in original) Exhibit 1. In light of this activity, the complaint concludes that Mr. Robertson is indeed a candidate for the 1988

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<sup>1</sup>/ All exhibits referred to in this report are those attached to the complaint filed in this action which was previously circulated to the Commission.

presidential nomination and should be required to report his activities pursuant to 2 U.S.C. § 434.<sup>2/</sup>

CBN Continental is alleged to have provided the "satellite facilities" for the broadcast and Victory Communications to have organized the event. Victory Communications also allegedly rented the mailing list from the "700 Club" in its efforts to organize the September 17 broadcast.<sup>3/</sup> The complaint contends that both CBN Continental and Victory Communications have thus made corporate contributions to the Robertson campaign.

In his response, Mr. Robertson admits that AFR is conducting a nationwide effort to secure the signatures as well as the financial and moral support of 3 million registered voters. Robertson Response at 6. He further admits that he has conducted direct-mail fundraising drive. Robertson Response at 8. He denies, however, that he is presently a candidate for the Republican presidential nomination.<sup>4/</sup> Instead, he contends that the signature and fundraising activity are "the exact minimum

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<sup>2/</sup> The complaint also alleges that other statutes, specifically 47 U.S.C. §§ 312 and 316, may be "affected by the outcome of the Commission's investigation of this complaint." Complaint at 1. Those statutes, however, are beyond the jurisdiction of the Commission and thus not addressed by this report.

<sup>3/</sup> The "700 Club" is a television program which reportedly has a daily audience of 8 million households. The show features Robertson "in his well established capacity as a television host and business, political, religious and social commentator." Robertson response at 8. See also Exhibit A.

<sup>4/</sup> Robertson responded individually and as president of CBN Continental.

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measure of support he must have if he is to offer his candidacy." Id. at 10. He maintains that this activity is for the purpose of "testing the waters" and that he is merely attempting to "determine whether there is the required voter support for a candidacy." Id. at 10. Robertson denies engaging in "general public advertising" but admits the AFR is conducting a "funds solicitation effort." Id. at 10; see also affidavit of R. Marc Nuttle. He further states that respondent AFR "is endeavoring to comply with all federal election law requirements in view of the applicable regulations which, although arguably not supported by statute, on their face require retroactive compliance." Id. at 9.

Robertson acknowledges that respondent Victory Communications was involved in organizing the "televideo activities" for the September 17 broadcast but denies receiving any corporate contributions. He states that although AFR utilized the services of Victory Communications, the services were contracted for and "evolved from arms-length negotiations between Respondents AFR and Victory; . . . and neither was intended to produce, nor produced, a monetary or in-kind contribution from Respondent Victory."<sup>5/</sup> Id. at 10. With respect to CBN Continental, Robertson declares that "[r]espondent CBN Continental has not provided to Respondents \_\_\_\_\_

<sup>5/</sup> Respondent AFR maintains that its "startup commercial obligations," presumably its obligations to Victory Communications, are not yet liquidated. See Affidavit of Mr. Thomas C. Atwood.

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Robertson or AFR mailing, membership or any other such services."  
Id. at 4.

Respondent CBN Continental, with Mr. Robertson as president, denies that it provided satellite facilities for the September 17 broadcast. Indeed, CBN Continental denies even owning any satellite facilities and instead states that it consists only of one radio station and two television stations. CBN Continental Response at 2. See also Affidavit of Robert E. Johnson at 11

3-4. CBN Continental denies renting or otherwise providing any mailing or membership list to Victory Communications as well as any involvement in the September 17 broadcast. Id. at 2. It is possible that the complaint has confused CBN Continental with the Christian Broadcasting Network, Inc. ("CBN, Inc.") The Christian Broadcasting Network, Inc., a nonprofit corporation founded by Mr. Robertson in 1960, reportedly has had revenues of \$600 million from 1979 to 1984 and operates the "700 Club" television program, among other activities. NY Times, December 10, 1986. CBN, Inc., allegedly owns satellite facilities. None of the respondents addressed participation by CBN, Inc., in the September 17 broadcast.

In its response, Victory Communications failed to address the allegation that it organized and produced the September 17 broadcast. Instead, Victory Communications generally denied making a contribution to Mr. Robertson or AFR. Respondent Victory Communications further stated that even if it were true

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that it rented the membership list of the "700 Club," "payment of money for a membership list is not illegal and, in fact, is customary in the normal course of Victory business." Victory Communications Response at 2. Victory Communications did not state what business it conducts.

## II. Legal Analysis

The principal issue in this matter concerns whether the activities of Robertson and AFR are to be considered as testing the waters pursuant to 11 C.F.R. § 100.7(b)(1). Because it appears that respondents Robertson and AFR have received contributions and made expenditures in excess of \$5,000, if the testing exemption is not available, Robertson will be considered a candidate and his principal campaign committee, AFR, will be obligated to register and disclose its financial activity pursuant to 2 U.S.C. §§ 433 and 434. See also 2 U.S.C. § 431(2).

The Act defines a candidate as one who seeks nomination for election to federal office and receives contributions or makes expenditures in excess of \$5,000. 2 U.S.C. § 431(2). Sections 100.7(b) and 100.8(b)(1)(i) of the regulations exempt from the definition of contribution and expenditure certain activities. These exemptions are commonly referred to as the "testing the waters" provisions. The regulations permit an individual to both receive funds and make payments without such funds received or payments made counting toward candidacy provided that the individual is still determining whether to become a candidate.

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The purpose of these regulations is to provide a potential candidate an opportunity to conduct activities directed toward an evaluation of the feasibility of becoming a candidate. Specifically, the regulations permit, inter alia, a potential candidate to form an exploratory committee and raise funds solely for the purpose of determining whether he or she should become a candidate, without the necessity of registering and reporting this activity pursuant to 2 U.S.C. §§ 433 and 434. Polling, telephone calls and travel are listed among the permissible activities that may be undertaken in a testing effort. The regulations specify that only funds permissible under the Act may be used for such activities and that records must be kept of all activity during the testing period. The testing provisions also state that the exemption does not apply to funds received for activities indicating that an individual has decided to become a candidate and that general public political advertising and the raising of funds in excess of what would reasonably be expected to be used for exploratory activities are prohibited. Thus, because only funds permissible under the Act may be used for a testing effort, and because records must be kept, if the Commission finds that Mr. Robertson is now a presidential candidate, respondent Robertson must designate, in writing, a principal campaign committee, respondent AFR must register with the Commission and disclose its receipts and disbursements at this time. See 2 U.S.C. §§ 432(e)(1), 433, and 434(a).

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As previously discussed, the purpose of the testing exemptions is to provide a limited opportunity to determine one's viability as a candidate. The Commission has addressed the issue of what activities are permitted under the regulations in numerous advisory opinions.<sup>6/</sup> See e.g., Advisory Opinions 1981-32, 1982-3 and 1985-40 respectively located at 1 Fed. Elec. Camp. Fin. Guide (CCH) ¶¶ 5620, 5647 and 5842.<sup>7/</sup> In each Advisory Opinion, the Commission emphasized that for activity to be exempt from reporting, it must be undertaken solely to determine whether one should become a candidate and cannot be for activities designed to affirm a private decision to become a candidate or to amass campaign funds in excess of what is reasonable to explore a potential candidacy. See also 11 C.F.R. 100.7(b)(1)(ii). In Advisory Opinion 1981-32, the Commission considered travel by the potential candidate, employment of political consultants, and solicitation of contributions, among other activities, to be for the purpose of testing the waters provided that the activity was solely to determine whether one should become a candidate. The Commission held that "it is apparent that the regulations seek to draw a distinction between

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<sup>6/</sup> While the regulations have changed since the Commission adopted those opinions, the rationale in the opinions remains valid.

<sup>7/</sup> In Advisory Opinion 1986-6, 1 Fed. Elec. Camp. Fin. Guide ¶ 5849, the Commission concluded that the activities proposed were directed toward party-building and not for testing the viability of candidacy.



activities directed to an evaluation of the feasibility of one's candidacy, as distinguished from conduct signifying that a private decision to become a candidate has been made." The Commission stated that a candidate should not be permitted to use the testing exemptions "as a means of seeking some affirmation or reinforcement of a private decision he has already made to be a candidate." The Commission concluded that the exemptions were "inapplicable once the public activities of the individual take on a partisan political quality which would indicate that a decision has been made to seek nomination for election, or election, to a Federal office."

In Advisory Opinion 1982-3, the Commission again considered such activities as travel, reimbursement of expenses and hiring political consultants under the testing the waters exemptions. The Commission found that these activities were within the exemptions provided that the activity was "directed to an evaluation of the feasibility of one's candidacy rather than reinforcing a privately reached decision to become a candidate or heightening the potential candidate's political appeal to the electorate."

Finally, in Advisory Opinion 1985-40, the Commission said that travel for speaking engagements as well as fundraising, including direct mail solicitations to as many as 10,000 contributors, fell under the exemptions provided that the activity was solely for the purpose of determining whether one should become a candidate.

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In the present case, the evidence indicates there is reason to believe that the activity undertaken by the Robertson campaign is in excess of what is reasonably necessary to determine the feasibility of candidacy and thus should not fall within the testing the waters exemptions. According to a news article attached to the complaint, Mr. Robertson, in a nationwide telecast, "told more than 200,000 supporters that he will declare officially within the year if 3 million voters sign a petition saying they will work for his election." This nationwide signature campaign aimed at gathering the support of three million registered voters appears to be an attempt to reinforce an already reached decision to become a candidate. By his own admission, Mr. Robertson has stated that he is "READY TO GO FOR IT [the nomination]" (emphasis in original) and that he is seeking the three million signatures because "that many signers would assure my nomination. The Republican Party has only about two million active donors." Exhibits C and D. These circumstances illustrate that there is reason to believe that rather than determining the feasibility of a candidacy, Robertson's activities have taken on the kind of "partisan political quality which would indicate that a decision has been made to seek nomination for election" which the Commission indicated in A.O. 1981-32 would fall outside the testing the waters exemption. In addition, the nature of the broadcast, viewed at over 200 locations by over 200,000 people, may constitute general public political advertising which is

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specifically forbidden by the regulations under the testing the waters exemptions. 11 C.F.R. § 110.7(b)(1)(ii)(A). The broadcast allegedly was political in nature with numerous speakers endorsing Robertson for president. Exhibit A.

It also appears that Mr. Robertson's fundraising efforts may have exceeded those allowable under the testing the waters exemptions. The exemptions specifically prohibit the raising of campaign funds in excess of what reasonably could be expected for use on an exploratory effort. Moreover, in discussing the exemptions in Advisory Opinion 1981-32, the Commission cautioned against engaging in activity "oriented to shoring up a base already identified that will sustain an actual campaign effort." It was reported, however, that AFR is attempting to raise up to \$10 million for "testing the waters." In 1984, a presidential primary candidate was limited to spending a total of \$20.2 million for all campaign related activity. 2 U.S.C. § 441a(b)(1)(A). Even taking into account that the presidential primary election spending limitation will be adjusted for 1988, see 2 U.S.C. § 441a(c), in light of the 1984 \$20.2 million limit, the raising and spending of \$10 million for an exploratory effort is evidence that he may be raising funds in excess of what is reasonable to determine candidate viability.

In sum, there is reason to believe that Mr. Robertson and AFR's activities are outside the scope of the testing the waters exemptions. He appears to be affirming an already reached

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decision, that he has conducted general public political advertising and has raised, or is attempting to raise, funds far in excess of those necessary to determine whether to become a candidate. It appears, therefore, that there is reason to believe that these expenditures in connection with those activities qualify him as a candidate pursuant to 2 U.S.C. § 431(a). Consequently, he should have designated a principal campaign committee within 15 days of becoming a candidate. Because he has not done so, this Office recommends that the Commission find reason to believe that M.G. (Pat) Robertson violated 2 U.S.C. § 432(e)(1). In addition, this Office recommends that the Commission find reason to believe that Mr. Robertson's campaign committee, Americans for Robertson, and its treasurer, violated 2 U.S.C. §§ 433 and 434 for failing to register and report with the Commission.

With respect to Victory Communications, many questions exist concerning the exact nature of Victory's participation in the September 17 broadcast and other AFR activity. Victory Communications does not address the broadcast or other activity in its response other than alluding to renting the membership list of the "700 Club." AFR appears to admit that Victory Communications, as alleged in the complaint, organized and produced the September 17 broadcast, conducted direct mail fundraising for AFR and participated in other campaign ventures. Robertson and AFR Response at 10. At this time, the Office of General Counsel recommends that the Commission find reason to

believe that Victory Communications may have violated 2 U.S.C. § 441b in order to clarify the ambiguities surrounding the broadcast, particularly in light of Victory's refusal to even address the issue in its response. The General Counsel further recommends that the Commission find reason to believe that AFR and its treasurer may have violated 2 U.S.C. § 441b(a) by accepting these apparent contributions from Victory Communications.

There does not appear to be any evidence that CBN Continental violated the Act or even participated in the September 17 broadcast. CBN Continental does not, as alleged in the complaint, own satellite facilities. CBN Continental specifically denies any involvement in the September 17 broadcast, and denies renting or otherwise providing any mailing or membership list to Victory Communications or to the Robertson campaign. Therefore, this Office recommends that the Commission find no reason to believe that CBN Continental violated 2 U.S.C. § 441b(a). However, as previously discussed, the complainant may have confused CBN Continental with CBN, Inc. CBN, Inc.'s involvement in the September 17 broadcast, or any other AFR or Robertson activity, is unclear. According to newspaper reports, CBN, Inc. does own satellite facilities which may have been used for the broadcast. It is equally uncertain whether CBN, Inc. was involved in the providing or renting of the membership/contributor list from the "700 Club." In light of this uncertainty the General Counsel recommends that the Commission find reason to believe that CBN, Inc. violated 2 U.S.C.

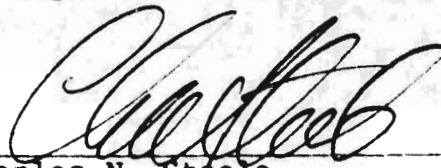
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§ 441b(a). In light of this recommendation, this Office further recommends that the Commission find reason to believe that AFR and its treasurer may have violated 2 U.S.C. § 441b(a) by accepting prohibited corporate contributions from CBN, Inc.<sup>8/</sup>

#### RECOMMENDATIONS

1. Find reason to believe that M.G. (Pat) Robertson violated 2 U.S.C. § 432(e) (1).
2. Find reason to believe that Americans for Robertson, Inc., and its treasurer, violated 2 U.S.C. §§ 433, 434 and 441b(a).
3. Find reason to believe that Victory Communications International, Inc., violated 2 U.S.C. § 441b.
4. Find reason to believe that Christian Broadcasting Network, Inc. may have violated 2 U.S.C. § 441b(a).
5. Find no reason to believe that CBN Continental Broadcasting Network, Inc., M.G. (Pat) Robertson, president, violated the Act.
6. Approve the attached letters and legal and factual analysis.

24 Feb 1967  
Date

  
Charles N. Steele  
General Counsel

#### Attachments:

- 1) Letters.
- 2) Factual and Legal Analysis.

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<sup>8/</sup> Because CBN, Inc. was not a named respondent in the complaint, this matter would be considered internally generated.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE  
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / JOSHUA MCFADDEN *JM*

DATE: FEBRUARY 27, 1987

SUBJECT: OBJECTIONS TO MUR 2262 - GENERAL COUNSEL'S REPORT  
SIGNED FEBRUARY 24, 1987

The above-captioned document was circulated to the  
Commission on Wednesday, February 25, 1987 at 11:00 A.M.

Objections have been received from the Commissioners  
as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____ X _____
Commissioner Josefiak	_____ X _____
Commissioner McDonald	_____ X _____
Commissioner McGarry	_____ X _____
Commissioner Thomas	_____

This matter will be placed on the Executive Session  
agenda for March 10, 1987.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of                    )  
                                      )     MUR 2262  
M.G. (Pat) Robertson            )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the  
Federal Election Commission executive session of March 10,  
1987, do hereby certify that the Commission decided by a  
vote of 6-0 to take the following actions in MUR 2262:

1. Find reason to believe that M.G. (Pat) Robertson violated 2 U.S.C. § 432(e)(1).
2. Find reason to believe that Americans for Robertson, Inc., and its treasurer, violated 2 U.S.C. §§ 433 and 434, and direct the F.E.C. Office of General Counsel to send questions to the respondent which would ask the specific nature of the event which took place on September 17, 1986, and request any material relating to that event, including information on any letters sent in connection with it.
3. Take no action at this time with respect to recommendation number 3 in the General Counsel's report dated February 24, 1987.
4. Take no action at this time with respect to recommendation number 4 of the General Counsel's report dated February 24, 1987.

(continued)

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Federal Election Commission  
Certification for MUR 2262  
March 10, 1987

Page 2

5. Find no reason to believe that CBN Continental Broadcasting Network, Inc., M.G. (Pat) Robertson, president, violated the Federal Election Campaign Act, as amended.

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

Attest:

3-12-87

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

98040724968



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 20, 1987

Marion Harrison  
Law Office of Marion Edwyn Harrison  
1000 Potomac Street, N.W.  
Washington, D. C. 20007

RE: MUR 2262  
M.G. (Pat) Robertson  
Americans for Robertson,  
and its treasurer.

Dear Mr. Harrison:

The Federal Election Commission notified your clients on October 15, 1986, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on March 10, 1987, found reason to believe that Mr. Robertson violated 2 U.S.C. § 432(e)(1) and that Americans for Robertson ("AFR") and its treasurer, violated 2 U.S.C. §§ 433 and 434. Specifically, it appears that Mr. Robertson is a candidate under the Act and the Commission's regulations; that he must designate, in writing, a principal campaign committee; and that Americans for Robertson must register and file reports with the Commission. Further, the activities undertaken by Mr. Robertson and AFR with respect to the September 17, 1986, video conference appear to fall outside the purview of the testing the waters exemptions contained in the regulations. See 11 C.F.R. § 100.7(b)(1).

Under the Act you have an opportunity to demonstrate that no action should be taken against your clients. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office (along with answers to the enclosed questions) within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

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Marion Harrison  
MUR 2262  
Page 2

In the absence of any additional information demonstrating that no further action should be taken against your clients, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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 have any questions, please contact Robert E. Pease, the attorney assigned to this matter, at (202) 375-3200.

Sincerely,



Scott E. Thomas  
Chairman

Enclosures

Interrogatories and Request for Production  
of Documents

88040724970





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 20, 1987

Allan P. Dye  
Webster, Chamberlain & Bean  
1747 Pennsylvania Ave, N.W.  
Washington, D.C. 20006

RE: MUR 2262  
CBN Continental Broadcasting  
Network, Inc., M.G. Pat  
Roberterson, President

Dear Mr. Dye:

On October 15, 1986, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 10, 1987, determined that on the basis of the information in the complaint, and information provided by you there is no reason to believe that a violation of any statute within its jurisdiction has been committed by CBN Continental Broadcasting Network, Inc., M.G. (Pat) Roberterson, president. Accordingly, the Commission closed its file in this matter as it pertains to your clients. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Lawrence M. Noble  
Acting General Counsel

89040724971

LAW OFFICES  
**MARION EDWYN HARRISON**

1000 POTOMAC STREET, N.W.

THIRD FLOOR

WASHINGTON, D.C. 20007

(202) 965-6300

CABLE MEHLAW

TELEX 89492

FACSIMILE (202) 337-4632

JOHN S. BAKER, JR.  
MARION EDWYN HARRISON  
DANIEL M. REDMOND

FALKENSTRASSE 14  
8008 ZURICH, SWITZERLAND  
TELEX (845) 815878 PVP CH

RECEIVED THE FEC  
800# 2994  
87 MAR 30 09:03

March 27, 1987

Robert E. Pease, Esquire  
Office of the General Counsel  
Federal Election Commission  
Sixth Floor  
999 E Street, N.W.  
Washington, D.C. 20463

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL  
87 MAR 30 10:24

Re: MUR 2262

Dear Mr. Pease:

Thank you for your letter of March 20, 1987, received March 24.

We request an extension of 20 days, until April 28, 1987, to answer the interrogatories and produce the documents at issue.

Responsive answers, for which we shall strive, require a good bit of document retrieval and coordination with a number of people, not all of whom are, or have been, Americans For Robertson, Inc. ("AFR") personnel. Indeed, producing responsive answers within 35 days will be troublesome but we shall endeavor to do so. As you probably know, some of the information sought relates to the activities of contract entities located in several cities and operated by persons connected neither with AFR nor the exploratory effort which AFR undertakes.

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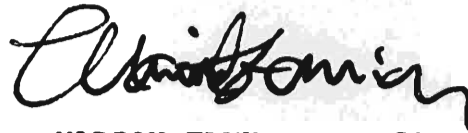
LAW OFFICES

MARION EDWYN HARRISON

Robert Pease, Esquire  
Page 2

We appreciate your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marion Edwyn Harrison", written in dark ink.

MARION EDWYN HARRISON

/dr  
afr22622

99040724973



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 31, 1987

Marion Edwyn Harrison  
1000 Potomac Street  
Third Floor  
Washington, D. C. 20007

RE: MUR 2262  
M. G. Robertson, et. al.

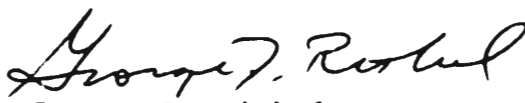
Dear Mr. Harrison:

This is in response to your letter dated March 27, 1987, which we received on March 30, requesting an extension of 20 days to respond to interrogatories and request for production of documents. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by close of business on April 28, 1987.

If you have any questions, please contact Robert E. Pease, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
Acting General Counsel

By:   
George F. Rishel  
Acting Associate General  
Counsel

93040724974

CCC# 3287  
RECEIVED AT THE FEC

87 MAY 4 09:45

LAW OFFICES

MARION EDWYN HARRISON

1000 POTOMAC STREET, N.W.

THIRD FLOOR

WASHINGTON, D.C. 20007

(202) 965-6300

CABLE MEHLAW

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JOHN S. BAKER, JR.  
MARION EDWYN HARRISON  
DANIEL M. REDMOND

FALKENSTRASSE 14  
8008 ZURICH, SWITZERLAND  
TELEX (845) 815878 PVP CH

April 29, 1987

Robert Pease, Esquire  
Office of the General Counsel  
Federal Election Commission  
Sixth Floor  
999 E Street, N.W.  
Washington, D.C. 20463

87 MAY 4 12:42

Re: MUR 2262

Dear Mr. Pease:

Consistent with our discussion earlier today, we attach the sworn answers to Interrogatories of the Treasurer of Americans For Robertson, Inc., together with the attachments other than the video cassette, which will be furnished next week, perhaps before your return from Ohio.

As we discussed, our client sent us one set of the attachments, including the tape, necessitating our photocopying of the attachments and returning the tape (which turned out to be the only tape in existence) back for duplication.

Sincerely,



MARION EDWYN HARRISON

/dr  
Enclosure

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**MUR 2262**

## I. Introduction

1. a) Attached.
- b) Upon information and belief, there is none.
- c) Including the Constitution Hall location, 215 locations, of which, upon information and belief, two sites had audio but not video.
- d) Estimates vary from 120 thousand to 145 thousand. Upon information and belief, there is no count.

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2. a) Attached.

b) Upon information and belief, Mr. Douglas Brendel, an employee of, or subcontractor with, Victory Communications International, Inc. ("Victory"); possibly other Victory personnel and/or subcontractors; and Respondent Robertson; all as part of a turnkey project.

c) Upon information and belief, 1,600,000 copies.

d) Dissemination was handled by Victory, which, upon information and belief, rented lists of names.

3. Upon information and belief, (1) an invitation package letter, (2) a so-called "eagle" package and, (3) to some or all contributors, a thank you letter--preparation and mailing handled by Victory, as part of the turnkey project.

a) #(1) attached. ##(2) and (3) should be available from Victory.

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- b) Please see #2b, supra.
- c) Upon information and belief, about 1,600,000 each of the invitation package and the eagle package, approximately 100,000 thank you letters.
- d) As to the invitation package and the eagle package, please see #2d, supra. As to the thank you letters, upon information and belief, Victory compiled the names through its subcontractors from among those persons contributing.

4. Yes. Upon information and belief, one.

- a) Victory should have a copy.
- b) Mr. Michael Clifford, President, Victory.
- c) Upon information and belief, approximately 250.
- d) Upon information and belief, Victory.



5. Two types of petition, each attached.

a) Upon information and belief, approximately one of each of the two types of petition to each person present who requested one.

6. Edward J. Whelan, CPA.

7. Mr. Whelan, Treasurer, Respondent Americans For Robertson, Inc. ("AFR"); and Mr. Harrison, Counsel for AFR and addressee of the Interrogatories and Request for Production of Documents.

Edward J. Whelan  
EDWARD J. WHELAN

City of Chesapeake ]  
Commonwealth of Virginia ]

Subscribed and sworn to before me this 28<sup>th</sup> day of April 1987.

My commission expires 1/15/89.

mur22623



P.O. Box 37002  
Washington, D.C. 20013

Thursday morning

My Dear Friend,

I have made the decision. Now it's up to you.

I am rushing this to you because I want to share with you personally the decision I announced on Wednesday, the 17th.

When at least 3 million registered voters sign petitions committing to pray, to work, and to give toward a campaign effort, I will seek the nomination of the Republican Party as their candidate for the Presidency of the United States.

It was not an easy decision. It was not a quick decision. It was a decision made by a careful, deliberate process over the course of two full years, seeking the wise counsel of godly men and women across this land and other lands as well ... two years of waiting on the Lord, listening to His voice.

It was a decision made in response to tens of thousands of people across America ... What began as a trickle has become a torrent ... Thousands have stood to their feet in city after city, clapping and shouting, urging me -- "GO FOR IT, Pat!"

Respected leaders of major denominations and ministries, men and women of wisdom ... leaders of government, key business and political leaders, and people from every imaginable walk of life: white and non-white, Jew and Catholic, blue-collar and white-collar, European and Asian, farmers and teachers, have all said with virtually one voice,

"We need a leader with your moral convictions and integrity, who believes as we do on the major issues confronting our country, to stand tall as the successor to a great President, Ronald Reagan."

Most important of all, I have made this decision in response to the clear and distinct prompting of the Lord's Spirit. I have walked with the Lord for more than 25 years. I know His voice. I know this is His direction. I know this is His will for my life. I am committed to it.

That is why I have authorized my friends to form "Americans For Robertson," an official exploratory committee, solely to

determine whether the people of America share my commitment.

Now I need you to make a decision.

I need you to read the enclosed petition very carefully and prayerfully, and if you share my commitment to this course of action, sign your name to it.

Then I need you to support this decision in a tangible way, with a gift of \$100 to Americans For Robertson.

When you take this action, you will demonstrate to me that you want me to run for the Presidency, and that you will support me in this effort. It is a simple, but a very weighty, decision: Do you stand with me?

It is very literally up to you.

You can successfully launch this campaign -- not just a campaign for Pat Robertson, but a campaign to restore America to the traditional values upon which she was founded more than 200 years ago.

If you say "Yes," then sign the enclosed petition, and return it to me immediately along with your financial support.

You know what a challenge it will be: If I am indeed going to "Go for it," we are going to need money, and manpower, and miracles. I trust that the Lord will move through you to provide them.

I need you to do three things: PRAY, WORK, and GIVE.

I'm asking you to pray, work, and give for the dream ... the dream of a new America -- where babies are safe in their mothers' womb ... where criminals are jailed, and the streets are safe for people like you and me ... where the Supreme Court interprets the Constitution instead of rewriting it ... where the Mob-supported pornography and drug trade no longer destroy our children, our families, and the very fabric of our society ... where we eliminate the so-called "progressive education" and return to the quality education which made our nation great ... where people like you can stand proud, be elected to public office, and express the values and principles set out by our Founding Fathers -- without ridicule and persecution.

I am stepping out on your behalf, believing that you are backing me up. I am offering myself as your champion, for the values we hold dear.

My dear wife, Dede, told a major magazine recently, "I don't think any woman who really loved her husband would be happy about

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him running for President." She knows the gravity of this decision. It will mean sacrifice.

I am comfortable -- comfortable with my ministry, my career, my home -- with my children, my grandchildren (including my brand-new first grandson!). It would be much easier for me not to "upset the apple cart." I do not look forward to the whirlwind that a Presidential campaign will bring to my private life.

But, we cannot just live for ourselves. When the call of service comes, we must be ready to obey and serve -- in spite of sacrifice, in spite of anything that might come against us.

I AM READY TO GO FOR IT!

Many have asked me what will become of CBN's ministry if I run for the Presidency. Because CBN is a major communications network, when I become a declared candidate I will have to stop television broadcasting. I will have to leave behind the everyday operations of CBN -- because I want to function with complete integrity, fulfilling the absolute letter of the law.

CBN will be in the Lord's hands -- just where it has always been -- and in your hands, along with the hands of its other capable, godly leaders. The "700 Club" program will continue to minister dynamically to millions, and it will flourish! Recent studies show that far more people are acquainted with the "700 Club" than are acquainted with Pat Robertson. Yet its outreach grows daily -- which confirms my determination from the very beginning to exalt Him, not me, through that program. CBN will be around long after I have passed from the scene for whatever reason.

Pat Robertson is being called to a new task. I AM READY TO GO FOR IT. But it's up to you.

As Dede went on to say in the magazine interview, "If this is what the Lord wants him to do, I won't stand in his way." I know this is what the Lord wants me to do, and because of that, she is standing alongside me -- and I need to know that you will be there also.

Together, we can send a message to Washington, to America, to the world -- a message that we want moral principles applied to government. If we "go for it" together, we will "win" together.

I am ready. I hope you are ready.

Your financial support is very important. If you want me to run to succeed Ronald Reagan as President of the United States, please give a contribution to Americans For Robertson in the amount of \$100 (\$200 per couple). One-half of this amount under federal

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law can be declared as a credit against your income tax bill and, to that extent, in effect, will be paid back to you next spring at tax filing time.

I am boldly asking you to give. I need your signature on the enclosed petition. I need your financial commitment. I need your daily prayers.

This is the greatest opportunity we have ever had to make a real difference for our children and grandchildren. We can win.

Even the toughest political experts in Washington are stunned by our undeniable grassroots support. Credible network television newspeople, newspaper and magazine journalists are reporting the fact, day after day after day, that this effort is credible.

I need you to be a part of it. I absolutely will not attempt it without your solid support.

We are in this thing to win ... we have a Date with Destiny!

I AM READY TO GO FOR IT. Now it's up to you.

May God bless you. I am

Your friend,

  
Pat Robertson

P.S. Please remember: I will run for the Presidency when three (3) million Americans sign petitions in support of my candidacy. YOUR signature on the enclosed petition is CRUCIAL. Mail it along with your tax-credit contribution of \$100 today.

Thank you again!

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# Pat Robertson

Dear Friend,

I want to ask you to join me personally on September 17, at 7:30 pm local time, for what may be our date with destiny.

You have heard and read that tens of thousands of Americans have been urging me to seek the Republican nomination for the Presidency of the United States.

You have heard about the absolutely amazing results of the preliminary delegate selection process in Michigan.

You know that I have been in earnest prayer about this crucial decision, and that I have been seeking the council of wise and godly men and women across America and in other lands as well.

Now the time has come to announce my decision, and I want you with me when I do it.

September 17, 1986, is the 199th anniversary of the signing of the United States Constitution. As our country begins the countdown to the 200th anniversary of the establishment of our government under the Constitution, I will be in Constitution Hall in Washington, D. C. on the evening of September 17.

This historic meeting will be beamed via satellite across America to a number of locations -- one of which will be convenient to your home. This will be a private meeting -- a very special meeting -- when I can open my heart to you and tell you my concerns and my dreams for all of us in this great nation. A time when I can tell you personally my decision about seeking the nomination for the Presidency of the United States.

These ninety minutes will be history making. You

don't want to miss this occasion.

Seats at this meeting will be available by invitation and ticket only. In order that a place be reserved especially for you, I would ask you please to call a toll free number for your reservation. The number is 1-800-343-4300, ext. 700.

As soon as you receive this letter, call to reserve your seats. The phone may be temporarily busy but please keep calling.

What happens on September 17 is not just a decision for Pat Robertson. It is a decision for all Americans. It is a time when we may be given a chance to affect our future as a country, as a people.

Remember, the special number for your reservation:

1-800-343-4300, ext. 700

The seating is limited and you don't want to be left out.

I look forward to being with you personally on September 17th.

God bless you, I am

Your friend,

A handwritten signature in cursive script, appearing to read "Pat Robertson".

P.S. I will be speaking via satellite from Constitution Hall to locations across America. Please check the enclosed list for the site nearest you and then call for your reservation and tickets to 1-800-343-4300, ext. 700.

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# AMERICANS FOR ROBERTSON

## Petition

signed registered voters, who love America and believe in the traditional moral values upon which our this nation, hereby urge M.G. "Pat" Robertson to declare his candidacy for the nomination of the Presidency of the United States of America. We pledge in support of his exploratory effort

### Our Prayers ★ Our Work ★ Our Gifts

				I WILL HELP!						
FULL NAME (FIRST, MIDDLE, LAST)		PRINT FULL ADDRESS	PRINT CITY, STATE, ZIP	PRINT (AREA CODE) PHONE NO.	I WILL WORK DOOR-TO-DOOR	I WILL WORK IN ROBERTSON PHONE CENTER	I WILL DISPLAY SIGNS AND BUMPER STRIPS	I WILL DONATE	I WILL HELP RAISE MONEY	I WILL CIRCULATE OTHER PETITIONS
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Authorized and paid for by Americans for Robertson Committee.

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# Petition

*By this Petition, we the undersigned registered voters, who love America and believe in the traditional moral values upon which our Founding Fathers established this nation, hereby urge M.G. "Pat" Robertson to declare his candidacy for the nomination of the Republican Party to the Presidency of the United States of America. We pledge in support of his exploratory effort*

**Our Prayers ★ Our Work ★ Our Gifts**

Signature \_\_\_\_\_

Signature \_\_\_\_\_

NAME \_\_\_\_\_  
(please print)

ADDRESS \_\_\_\_\_

PHONE NO. \_\_\_\_\_



## PERSONAL GIFT FORM



**YES Pat! I/we want you to be the next President of the United States**

Enclosed is a contribution of:

☐ \$100 (individual)

☐ \$200 (husband and wife)

☐ Enclosed is my check.

☐ Bill me.

☐ Bill my ☐ VISA ☐ Mastercard ☐ Choice  
\$ \_\_\_\_\_ per month

Card No. \_\_\_\_\_

Expiration date \_\_\_\_\_

Signature \_\_\_\_\_

*Federal Election Law requires us to request the following information:*

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone ( ) \_\_\_\_\_

Occupation \_\_\_\_\_

Employer \_\_\_\_\_

Self Employed \_\_\_\_\_

1. Place check here.  
2. Place Petition and check in envelope.  
3. Return envelope to Usber tonight.

### SPECIAL INFORMATION

*Pat Robertson has not yet decided whether to become a candidate. However, the funds you contribute in support of his testing-the-water activities, to the extent of half your individual contribution, up to \$100 (\$200 husband and wife) may qualify under Federal Election Tax Credit on your 1986 Federal Income Tax return. Corporate contributions are prohibited by law. Individuals are limited by law to a maximum contribution of \$1,000 (\$2,000 husband and wife) to Americans for Robertson.*

Authorized and paid for by Americans for Robertson Committee.

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BOOK# 3361

37 MAY 13 8:52

LAW OFFICES

MARION EDWYN HARRISON

1000 POTOMAC STREET, N.W.

THIRD FLOOR

WASHINGTON, D.C. 20007

(202) 965-6300

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JOHN S. BAKER, JR.  
MARION EDWYN HARRISON  
DANIEL M. REDMOND

FALKENSTRASSE 14  
8008 ZURICH, SWITZERLAND  
TELEX (845) 815878 PVP CH

May 8, 1987

Robert Pease, Esquire  
Office of the General Counsel  
Federal Election Commission  
Sixth Floor  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2262

Dear Mr. Pease:

Enclosed is a duplicate of the video cassette we received from our client that you requested.

Sincerely,

*Conrad Reed*  
for MARION EDWYN HARRISON

/dr  
Enclosure

83040724988

17 MAY 13 10:47



**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

The video cassette ( A New Vision For America ) and cassette tape ( Robertson Fest ), have been removed from the public record and can be reviewed by submitting a FOIA request.

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MUR2262

Transcript of Nationwide Broadcast

Sponsored by

Americans for Robertson

on September 17, 1986, at

Constitution Hall, Washington, D.C.

98040724990

September 17, 1986

Constitution Hall in Washington DC  
Pat Robertson - New Vision for America

1st Woman: "I feel like he's just a very wise man, and I feel like he's been groomed for years and years to do the job, and I trust him."

1st Man: "I think it's a wonderful idea, and I think Pat would be an excellent candidate, and I know if the Christians will support him, we've got it made."

2nd Man: "I believe he knows the spiritual and political state of the nation as well as the world, and because of his educational background, I think he would do a good job in the White House."

3rd Man: "I think he would make a good one."

4th Man: "Yes, I do think he should go for it primarily because we need someone in the country who's concerned about the morals and where the country is going, and what what we need to establish as a far as a base and a foundation for the future."

2nd Woman: "He's got the charisma. He's got the experience, and he's got the concern and the desire. Plus he obviously has the following. Right?"

5th Man: "I think he should because I think we need a Christian

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man in office."

6th Man: "I think he definitely ought to go for it because there are millions of people all over this country, who have just been waiting for this moment, for someone like him to run, and will win if he'll run."

7th Man: "I think he ought to for cause he's got the knowledge, he's got the background and he's really in the word. And I believe he's the man for these times. I really do."

8th Man: "I think he should go for it, because he seems like he's the type of person we need today in office, you know, and he seems like he can handle the job. I really do think he could."

9th Man: "I think he's the best the Republican has to offer at this time, and I have no doubts about it. He's a qualified man. He's a man who in the free enterprise, in the private sector, has been successful, and that's where we need the victory."

10th Man: "Well, as President Reagan said, when he began to run as an actor everybody began to wonder whether there were certain occupations that weren't qualified to run for President. But Reagan says, No, that's not true. You shouldn't disqualify anybody for what what he's doing. He thinks Pat Robertson should be given a chance just like John Kennedy, who nobody said he

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could win the Presidency because he was a Catholic."

3rd Woman: "We have a very popular mayor in Indianapolis, who was our minister, and he has done a tremendously good job of being mayor, and he doesn't let his religion interfere with his running the government at all."

4th Woman: "He might as well go for as anybody. They say any American boy can be President of the United States. He might as well go for it too."

5th Woman: "Well, I'm all for it. I think he's just the man for the job to follow our wonderful President Reagan."

11th Man: "Pat, go for it, man."

12th Man: "Pat, go for it."

6th Woman: "Yeah, Pat go for it."

7th Woman: "Pat, go for it."

13th Man: "Go for it, Pat. You've got it."

Voices in the crowd: "Go for it, Pat."

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14th Man and 8th Woman: "Pat, go for it."

9th Woman: "Pat, go for it."

15th Man: "Pat, go for it."

10th Woman: "Go for it, Pat."

16th Man: "Go for it, Pat."

[Applause.]

Announcer: "And now, ladies and gentlemen, our national anthem presented by Phil Driscoe."

[National Anthem.]

[Applause.]

Announcer: "Let's welcome the star of over 700 consecutive performances of the Broadway smash hit musical Annie and honorary chairperson of Youth for Reagan, Miss Randall Anne Brooks."

Miss Brooks: "Dr. Robertson, honored guests and friends all over America. I'm grateful to be here tonight on this historic occasion to share some good news about the young people of

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coke, to alcohol and to a confusing emotional climate. So they look for love in a needle and instead they find misery and torment. The result is a script for America that our enemies could not have written better themselves. They rejoice to see us stripped of our faith because that is the secret ingredient of democracy. And what better way to set our future adrift than to cut young people off from their families and their heritage. Weakening our faith snatches at the very roots on which our country was founded. It divides our people and puts our future in doubt. Pat Robertson knows that if we don't get involved those with selfish aims will. If we don't stand for something, we'll stand for anything, and many Americans believe that we have done that long enough. Pat has been in the forefront of issues that concern youth, job security, battling illiteracy, feeding the homeless, reaching out to rebuild tattered lives. Pat understands economics, law, government and foreign policy. He knows that people with principles want less government, not more. He gives the glory to God and the great tradition of all American Presidents who have prayed daily. I certainly hope that we would always reserve the top chair for a man who believes in a higher power, because I think of no greater risk to our country than a President who believes that he is the higher power. This campaign isn't only about Pat Robertson; it's about whether we care enough to look for the best in ourselves and to shape our destiny around it. This is not radical. It's simply American. I believe that Pat can unify and inspire people

to a new a standard of political endeavor. If Americans can reach the planets, we can reach each other's hearts. The father of our country prayed for miracles in every conflict. General George Patton prayed with his men, 'All mighty and most merciful father restrain these immoderate reigns with which we have had to contend and grant us fair weather for battle.' May God grant us fair weather when we battle for our nation. And may he also grant us a President who is not afraid to pray for it. Thank you." [Applause.]

[The Star Spangled Banner.]

"Good evening, everyone. My name is Ben Waltman. And about the last year I've been working here in Washington at the White House. Rather than make a speech though tonight, I thought what I would do is to read a letter to you, which I have written to the President a few short weeks ago.

'Dear Mr. President:

From the time that I was a young boy attending Oakmont Elementary School in Claremont, California I always had two ambitions. First, I wanted to work on Governor Ronald Reagan's staff. And Second, from there I hoped that someday I would be allowed to work in the White House. Little did I know then, that I would be able to achieve both. In 1980, I was able to head the California Jewish Coalition for Reagan. In 1982, I cofounded Americans for the Reagan agenda. In 1984, I was the the national

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Jewish Coalition director for Reagan-Bush. And finally, in October of last year I was able to join your staff at the White House as associate director of Presidential personnel. Truly the fulfillment of a dream. Soon after that though, events conspired to take me away from my work at the White House. You see in December God blessed my wife and I with a child, a son. Everytime I held him in my arms my thoughts turned to his future. What type of world, I asked myself, would he grow up in? What would America be like? Would he enjoy more or less freedom than I? Would he have greater or fewer opportunities? Would he have to work from January to July just to pay his part of an onerous tax burden? In short, I was asking myself who would take care of America after you left office, Mr. President. As I scanned the political landscape to evaluate the possibilities, I found that there was one man who would be able to carry on your tradition of leadership, integrity and vision. This man comes from a family of great political distinction. Two of his ancestors were American Presidents, and his father was a United States Senator. He served his country well as a Marine Corp officer, a Yale Law School graduate and a successful businessman. But most important, this man shares with you some important ideological fundamentals. He, like you, puts principle above politics. He, like you, is a champion of freedom and a foe of all forms of tyranny. He, like you, recognizes the Soviet Union for what it really is - an evil empire; and he, like you, understands America and has a vision for its future. I believe that this man, Pat

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Robertson, will be the next President of the United States.

[Applause.] And it is not without some sadness at leaving you that I respectfully submit my resignation so that I may work to make Pat Robertson's election a reality. God bless you. Benjamin Scott Waltman.' [Applause.] This is a very special time in America. We have a choice. We have a choice of direction, a choice of vision and a choice of leadership. I have made my choice. In my small way I am making my commitment to Pat Robertson, and I am sure that each of you in your own way will do the same. But right now, I would like to ask each of you to join with me together, in one voice, as we say to Pat Robertson: Be our voice in the months ahead. Speak truths, our truths to the nation. Be our standard bearer in the coming race. Be our President. God bless you and thank you." [Applause.]

[That Grand Old Flag]

"My name is Rosy Grier. [Applause.] I'm founder of an organization called, Are You Committed. I'm an ex-football player. I've spent the last fifteen years working with the young people in the inner city. I believe there comes a time in this nation when men and women have to decide where they are going to go, where is this nation going to go? I know there are all kinds of things going on in this nation today whether or not God is welcome or he is not. This nation without God is nothing. [Applause.] We have seen man's greatness in his desire to find

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an answer. I have seen it in my fifty-four years. I've seen World War II, the Korean conflict, the Vietnamese war, I've seen the bombing of Hiroshima, the Holocaust in Germany and that's man's effort to try to bring peace, and today we see where the terrorists and all the things going on today, because man refuses to love. You see God is love. He desired men and women of all races, blacks, whites, young and old, rich and poor, love. God wants men and women to love. Then why won't we do it? We see the results of man when he refuses to care about one another. We see those things daily when people are killing and raping and robbing and stealing and because of greed. The only true answer for us as in the nation and for the world is for us to ask God to forgive us for our sins. We see we know and yet there is a crying need today for that man or that woman to stand up and say I don't care what you say about me no more. I don't care what you think about me. I'm going to go with God. [Applause.] I remember the shattering of a dream when Bobby Kennedy desired to become President. I saw him killed and the agony that the world suffered and all the hopeless dreams and now with with no place to go, with myself as part of that, and I tried to run away, but there was a driving force within me which said let's go again. You can't give up now. Now is the time for God's men and God's women to stand up and stop being afraid and feeling comfortable. But get up and stand up to fight for the right of all mankind to stand up for today. There's a crying need. [Applause.] I believe that there is another leader that God is calling on

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today, another man that will stand up like Moses when he went down to Pharoah. We need a man like that today. And I ask you when you see that man, what will you do, will you continue to sit and halfheartedly go out because I gotta tell you something, for the right of God to be exhalted in this land we gonna have to fight for it. [Applause.] We are going to have to spend many hours in prayer interceding, but God has a man, doesn't he? And I believe that God is dealing with a man like Pat Robinson today to make a decision and I think that it's important today not only for him to make a decision but you too must make a decision about where you will be when the decision is made. Thank you."

[Applause.]

[National Anthem.]

"My name is Beverly LaHay. [Applause.] I am the founder and president of Concerned Women for America which today is the largest, non-partisan women's organization in our nation, and we thank God for that. Our organization now has well over 565,000 members. [Applause.] For many years, I have been involved with my husband in writing books and giving lectures on family life, because we saw marriage and family life in America deteriorating, being destroyed. But most of all I've been a mother and a grandmother, and I have a strong commitment to see that family life is preserved for my children and my grandchildren. A recent Gallup poll gave the statistics that 72% of Americans desire to return to traditional family values. Appalling when you consider where we have come from. Many

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changes will have to take place in our nation to return back to those values. We've seen the family go through a dreadful state, divorce rate, low interest in raising children, abortion, drugs, alcoholism, distroying the families. And when we read that 72% of Americans want to return to traditional family values, America is going to have to make some changes to do that. But we've come a long way from a few years ago when our former President sponsored a conference on families with an attempt to even change the meaning of the word "family" to destroy the meaning that God intended for the family to be recognized as. We worked to help change that administration and we succeeded. [Applause.] And we now have all benefitted from having a President who believes in the family and seeks to protect and give support to families, and we must not stop now. We need another President in the White House who is also a family man and believes in the Judaeo - Christian values as the only hope for America's families. Pat Robertson is a family man, and he has been happily married to his lovely wife, Dee Dee, for 32 years. His values of integrity and honesty that he practices in his life have helped to give him a successful marriage and strong family life. Pat Robertson also has compassion for the poor and needy families. He has demonstrated his concern by developing an organization and a program for their benefit. A program that successfully bypasses the intervention of government. It is done without government intrusion. His knowledge of economics will be a powerful force for families to help build a strong nation with a solid economy.

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The legal training and knowledge that he has developed will also further enable him to help protect religious freedom in America. I believe that the greatest need in America today is government policies that support the needs of the family. John Adams, our second President of the United States, pointed out why the future of the United States depended upon the level of the virtue and the morality maintained among the people and the leaders. He said and I quote, 'Our constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.' And we say yes to what John Adams has said. Our constitution is to support the moral and religious people of America. I assure you that if Pat Robertson decides to run and is elected as the 41st President of the United States of America his administration's policies and his strong moral background will be helpful to the family and will help to return America to strong families once again. Thank you." [Applause.] [Music.]

"My name's Art Williams. [Applause.] I'm president and founder of A.O. Williams Company. Less than ten short years ago our company was founded with 85 total people. Today we are a company of over 150,000 strong, and A.O. Williams is the number one producer of individual life insurance in the world. In 1986, we will produce over 90 billion dollars and beat the number 2 and number 3 companies combined. I believe A.O. Williams became number 1 in our industry because we were willing to stand up for what we thought was right, a stand that was controversial and often unpopular with a traditional industry. I



feel today compelled to stand up again in a different arena for what I think is right. I've never participated in politics before, because quite frankly I don't like politicians. I don't trust politicians. [Applause.] I think most politicians are nothing but a bunch of mealie mouths. [Laughter.] You know most politicians say whatever they think they have to say to get your vote, and then change their whole philosophy on the latest public opinion polls. But I've found a different kind of man in America. I've found a man you can trust. I've found a man with tremendous integrity, with tremendous character. A man that's got the courage to stand up for what he thinks is right. A man who will stick his neck out without worrying about the consequences. That man is Dr. Pat Robertson. [Applause.] Pat Robertson has been successful in everything he has attempted. Pat Robertson is absolutely brilliant, has unlimited abilities. But, I think the single thing in mind that Pat Robertson offers our country more than any other thing is a special, dynamic, tremendous kind of leadership. You see because I think leadership is everything. You show me anything in America that wins, and I'll show you a leader at work. You show me a successful boy scout troop, church, club, organization, business, football team, and I'll show you a dynamic leader at work. The American people won't follow dead, dull, disillusioned, frustrated cry babies. [Applause.] And I'll tell you this, I'll tell you this. The American people don't need four years being led by the doom and gloom party, those democrats like Jimmy

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Carter, Walter Mondale, Ted Kennedy, and Tip O'Neill.

[Applause.] You know some people say that President Reagan is 'the teflon President.' You know it just drives them crazy because they just say criticism never seems to stick on President Reagan. They can't understand it. Well, the reason is President Reagan is the leader. President Reagan don't pay any attention, don't care, don't worry about what his critics say. You see President Reagan in the hottest of times never abandons his tremendous belief and enthusiasm for the American people, and our institutions, and the things we stand for. You know another reason I support Pat Robertson for President is I look at the Republican Party today, the so called front runners, I don't see anybody among those people, number one, that can beat the Democrats and win in 1988. And even if those people could win in 1988, I don't see anybody there that can inspire and lead America to greatness. Hey folks, think about this. This is a sobering thought. President Reagan was elected in 1980, and those that followed him, they put pride back in America. President Reagan started a revolution again. He made you feel proud to be an American again. Think about this folks. [Applause.] Think about this folks. Who's going to fill President Reagan's shoes? I know who can. Pat Robertson can. [Applause.] Pat Robertson is a great man. Pat Robertson is a great leader. I believe Pat Robertson is going to be a great American President. You know, history has proven over and over again that in these United States that when we are in the middle of a crisis, when there is

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a great need, a great leader always sticks his head up. I believe Pat Robertson is a man of destiny. I believe history will record that tonight in the Constitution Hall in Washington, D.C. Pat Robertson begins to make his mark on history. God bless America and God bless Pat Robertson." [Applause.] [Music.]

"I am J.O. Patterson, the presiding bishop of the Church of God in Christ. I met Dr. Robinson about 12 years ago, and I immediately learned to love and respect him. He has visited with me in my home, and I have always found him to be a Christian gentleman. I am happy today that the dream of a vast segment of the populace is becoming a reality and the prayer of many is being answered. Dr. Pat Robertson, having listened to the pleas of the tens of thousands of us, is about to accept the challenge to become the leader of this great nation and its great people. His credentials academically, in the religious communities as an astute businessman, and in his knowledge of world affairs thoroughly qualify him for the office of President of these United States. Academically, his preparation in the areas of law and administration led him to successfully organize one of the countries televisions networks which now reaches over 30 million homes and CBN University. [Applause.] In the religious communities, he is regarded by his peers to be compassionate, sober, preserving, and one who sees a problem and begins working for a solution. When he recognized the problem of illiteracy in this country, instead of just a lot of useless rhetoric he started up the Heads Up program to eliminate

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illiteracy from our society. [Applause.] Dr. Robinson [sic] was a forerunner in the crusade to eliminate drugs from our society and other social programs designed to rebuild self esteem in our sons and daughters and ofttimes parents. Through his business ventures, his dealings in sundry legal matters with many world leaders, Dr. Robertson has become quite knowledgable of many of the problems we now face. This association and the efficient staff that he has at CBN keeps him up to date on an hour-to-hour basis of the current events around the world. We do not expect Dr. Robertson to take his Episcopal mandate to the White House. However, we are confident that his Godly integrity, his belief that divine direction is given to him who in all his ways acknowledges God, and his belief that blessed is the nation whose God is the Lord, will without a doubt [Applause.] enable him to vigorously lead this land of ours toward those concepts guaranteed in our Constitution. Thanks be to God once that we can say and is not a gamble, we've got a good hand, let's stand pat with Pat." [Applause.] [Music.]

"I'm Jimmy Draper, the pastor of the First Baptist Church in Ulysses, Texas and former president of the Southern Baptist Convention and I came here to say a few words for and to Pat, but I think I might like to buy some insurance from A.O. Williams right now. Man, it is a great day to be an American, isn't it? I'm so proud to be an American. [Applause.] Nowhere in this world do the dreams and aspirations of the human heart quite define the expression that it finds here in this

Constitutional republic that we call the United States of America. Here in this Constitution Hall on this historic anniversary of the signing of the United States Consitution we celebrate tonight the fulfillment, the aspirations that are set forth in the unique document of the Constitution. Never before, never before had a nation of the people, by the people and for the people been so constituted and guaranteed in writing as by this Constitution. But as we remember the past, we must remember that the only debt, or at least the main debt we have to the past is to leave the future indebted to us. Pat Robertson understands the past, and thus he is able and prepared to lead us into the future. He understands that the purpose of the government is to protect the people and to provide the opportunity for the realization of their dreams. He is uniquely qualified to protect us from the threats that we face today. His ancestry, which includes two United States Presidents and Sir Winston Churchill, as well as his senator father, equip him to protect us from the threat of social and political irresponsibility and compromise which is so common in government today. His commitment to God and his understanding of the historical base of our nation which is grounded and rooted in biblical truth will enable him to protect us from the threat of the dangerous notion that religious and moral convictions are inappropriate in the political and public arena. [Applause.] His studies and his achievements in the field of law establish him as able to save us from the threats of reducing law to a study of precedent instead of firmly

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basing it upon eternal principles. His combat experience as a Marine first lieutenant in Korea has prepared him to protect us from the threat of the tendency to weaken the strategic defenses of this land and will cause him to insist upon a continued strong national defense. His experience in turning an old car, a garage, and a dilapidated UHF television station and \$70 cash into one of the largest communications networks in the world, currently broadcasting in over 60 countries including mainland China and the Middle East will make certain that he will protect us from the threat of the philosophy today that will destroy the free enterprise opportunity so unique to this great land.

[Applause.] His training and background will enable him to help us free ourselves from the threat of national debt and deficit spending and once again get us back on sound financial footing as a nation. And his entire life and experience have prepared him to understand the relationship between the state and the church. He understands the separation of church and state does not mean separation of God and government. [Applause.] He understands that this is indeed a biblical republic which offers freedom to individuals of all religious beliefs, but it does not deny its theistic and its biblical base, 'In God We Trust.' [Applause.] These and for many other reasons are why from the first time Pat Robertson mentioned to me the possibility of entering the race for the Presidency of the United States I encouraged him to seriously consider it. Pat Robertson is a man of integrity and fairness, and honor and diligence and intelligence and many other

stellar qualities that uniquely qualify him to be President of the United States. I know I speak with and for many Southern Baptist, and I do want to read a letter that the immediate past president who succeeded me as President of the Southern Baptist Convention, Dr. Charles Stanley, has sent to this meeting tonight. He says, 'Dear Pat. I deeply regret that I cannot be present on this momentous occasion in your life and the life of our nation. I encourage you to pursue the course to which God has called you to. Remembering that God always honors our obedience. Keep ever before you the admonition which God gave to Joshua as he assumed the leadership of the nation of Israel. Have I not commanded thee. Be strong and of good courage. Be not afraid neither be thou dismayed for the Lord, thy God, is with thee whither so thou goest. Be assured of my support and prayers. Sincerely, Charles Stanley.' [Applause.] The future of America seems a little bit brighter tonight because of Pat Robertson, and on behalf of millions of Americans, Pat, I thank you." [Applause.]

[Oral Roberts]

"Something good is going to happen to you. I've just come home from Japan and Korea. I have a little jet lag on me right now. But something happened in Japan and Korea that bears upon what we are doing here tonight. I was over there on a mission for the Lord, and I had to go through some leaders in the Japanese government and the Korean government and through the aid

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of our United States Senators I was directed through our American embassies. While I was talking to our leaders in the embassies and describing to them what the challenge was, somehow, it got around to Pat Robertson. And I said in my innocence, 'Are you aware that Pat Robertson may run for President?' They said, 'Mr. Roberts, we are very aware of that.' I said, 'Are you aware he may win and become the next President of the United States?' They said, 'We are very aware of that.' [Applause.] And I said, 'Would you repeat that?' And the man said, 'Mr. Roberts, over here we are very aware that Pat Robertson may be the next President of the United States.' I really didn't know that Pat Robertson had this kind of emotion and feeling being produced in people beyond our country. I know how the millions of people here felt in this country. I didn't know. And a little wheel began to turn in me. As I flew nonstop back to America, I began to feel like I wanted to say something. I'm 68 years young, and I've never stood up publically for anybody in the political realm, but something spoke inside me and said you know this man. You've known him for 25 years, and you've known him like few people know him. You've known him when he was up and when he was down. You've know him when he was successful, and you knew him when he started, and you remember that little piece of mud strip that he led you across in Norfolk. When he said, 'Oral, would you come over here and say a little prayer with me as I look at my dream, at my challenge that I feel God has put on me.' And I remember that as we came up to this little building, off from the

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side, that nobody would want. And we had to enter it through mud, and we got inside he said, 'You'd better take your shoes off and let me clean them.' I was thinking about that. And that little voice said 'if you have ever have said anything you had ought to say it now, because this is a man that you know.' And he pointed over to a camera, That was in the 60's, in 1954 we went on nationwide prime time television, we had fine equipment and all of that and he knew I knew what a television equipment was, he looked at that camera with such pride and I looked at that little building, and he said, 'Would you pray for what I am about to do and to undertake.' We joined hands and prayed a prayer, and with the look of eagles in his eyes he said, 'Oral, we're going to touch the people where they hurt. We're going to go where they are.' Now, I was there when that's all he had. And flying across America, That's what I was thinking about, I mean flying across the ocean that was what I was thinking about. And then, I began to think about the business judgement of the man which hadn't been talked about a lot. He handles hundreds of millions of dollars today, but back then he was handling \$50 and \$75 and \$100. He was trying to get enough money to eat. A lot of people in America right now are trying to get enough money to eat, and they look at this polished man, see how articulate and see that winning smile, and they want to reach out and to touch a man like that, but there is something more important. Pat Robertson knows what it is like to be hungry. I know you read about, heard about his pedigree but I remember the time when

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there wasn't enough money to buy enough food. And you know what I'm thinking about right now? I'm thinking about the mud that many millions of Americans have to walk through, where bankruptcies have taken over, where jobs have been lost, where people are hurting like I don't remember them hurting for years. And when the man in the White House having to go out in several months down, down deep in my heart the man that I trust the most to help hurting people not only with ideas and with the ability of business, that part of which he seems to be born with and he's cultivated and worked hard with and with sincerity but with something else, an ability to make you feel good about yourself, and about your chances, and that you have faith, and there is a God, and you can do it. I get down too, and when I turn this man on the television or I happen to see, he does something for me. I get to believing I can do it. Right now my gut feeling tells me that somebody needs to be our President that will help us all believe we can do it. We can do it. [Applause.] I don't want to say a lot. Really, I'm just up here with my heart in my mouth cause I got a feeling that this is a very important moment, very important decision. And I don't want anybody to take it for granted just because this man is so capable and qualified, and he looks like he can just knock the ball out of the park every time he gets up to bat. I want us to remember something. In my community there was a boy that hadn't made it. He dreamed, and oh he had such dreams, and he tried to find somebody he could pattern after, and it was difficult and as one man in our

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community that was really a success, and he wanted to find a way to meet the man and couldn't find a way to do it. He loved to fish, and he went out and sat out on the creek bank and looked over there and there was this man fishing, and he said, 'Boy, this is my chance.' And he went over there and he said, 'Mr,' and he called his name. 'I want to make a success out of my life so bad, and you're the only really successful man that I know, and I didn't think I would have this chance, but would you pardon me, and just tell me, just say something to me. Just say something. Just tell me what to do!' And the man said, 'Son stand up.' He stood up, and put his hand on his shoulder, and shoved him out into the water. The boy went under, and as he came up, he shoved him back under. The boy came up, but he shoved him down for the third time. The boy was gasping trying to get his breath. Finally, he pulled him out and the boy lay on the shore struggling trying to breathe. Finally, he said, 'Mr. why did you do me that way. You almost killed me.' He said, 'Son, do you remember how you felt when you thought you weren't going to breathe again and how much you wanted to breathe? When you want to be a success as much as you wanted that breath, you will be.' Now when we want Pat Robertson enough to be our next President, he will be." [Applause.] [Music.]

"I've known Pat for 28 years. I've known him when I had hair, and his was brown. By the way my name is Harold Gradison. [Applause.] And I have a word for you. America is a giant. A bleeding giant. A giant bleeding from a

thousand wounds. So strong. So weak. So free. So bound. So bound. Only God can heal her wounds. Only God can set her free. Only God. Only a man whom God has appointed, whom God has annointed. Only a man who fears God, who hears God and at whatever the cost, obeys God, at whatever the cost. Only that man can lead us in this hour. We are here tonight because we believe you Pat are that man." [Applause.] [America the Beautiful.]

[Pat Robertson]

"Thank you. God bless all of you. Thank you. On September the 17th, 1787, just 199 years ago today, 39 men meeting in solemn assembly at Independence Hall in Philadelphia voted their approval of a document drafted on behalf of the people of the United States to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. In 1788, the first elections were held under this new, drafted Constitution, and in 1789 our first president, George Washington, placed his hand upon the Holy Bible and swore a solemn oath that to the best of his ability he would preserve, protect, and defend the Constitution of the United States. And tonight we meet in Constitution Hall and in 216 halls across our 50 states in equally solemn assembly on this 199th anniversary of the founding document of our nation. The Constitution adopted on this date moved the nation from the brink of anarchy to the threshold of

stability and prosperity. A vision was born on this date of a nation united, a nation whose official motto was 'E Pluribus Unum,' out of many one. A vision born on September 17th, was of one nation under God with liberty and justice for all.

[Applause.]

These men knew all too well that there was only one source of their liberty, and tonight we do well to listen to their words. Our first president, who presided at the Constitutional convention, in his farewell address declared, and I quote, 'Reason and experience forbid us to expect public morality in the absence of religious principle.' Our second president, John Adams, whose wisdom was key to the drafting of our Constitution said this, 'We have not government armed with power capable of contending with human passions unbridled by morality and religion. Our Constitution was made only for a moral and a religious people. It is wholly inadequate to the government of any other.' And our third president, Thomas Jefferson, who was the author of the Declaration of Independence, gave us a warning, 'And can the liberties of a nation be thought secure when we have removed their only firm basis. A conviction in the minds of the people that these liberties are the gift of God, and they are not to be violated but with his wrath.'

[Applause.]

And yet despite these warnings we have permitted during the last 25 years an assault on our faith and values that would have been unthinkable to past generations of Americans. We

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thousand wounds. So strong. So weak. So free. So bound. So bound. Only God can heal her wounds. Only God can set her free. Only God. Only a man whom God has appointed, whom God has annointed. Only a man who fears God, who hears God and at whatever the cost, obeys God, at whatever the cost. Only that man can lead us in this hour. We are here tonight because we believe you Pat are that man." [Applause.] [America the Beautiful.]

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have taken virtually all mention of God from our classrooms and textbooks. Using public funds we have begun courses in so-called values clarification, which tend to undermine our historic Judaeo-Christian faith. We've taken the holy Bible from our young and replaced it with the thoughts of Charles Darwin, Karl Marx, Sigmund Freud, and John Dewey. And a small elite of lawyers, judges and educators have given us such a tortured view of the establishment of the religion clause in the First Amendment of the Constitution that one senator has called it an intellectual scandal. Instead of absolutes our youths have been given situational ethics and the life centered curriculum. Instead of a clear knowledge of right and wrong they have been told, If it feels good, do it. Instead of self-restraint they are often taught self-gratification and hedonism. Our motion pictures, our television, our radio, our youth concerts, with a few outstanding exceptions, seem to have one message, God is out, casual sex, infidelity and easy divorce, the recreational use of drugs, and the radical lifestyles are in. We have sown the wind. Now we are reaping the whirlwind. Illegal drugs are being sold to 4th grade school children. Half of our high school children have tried marijuana. We are under an assault by a tidal wave of drugs estimated to have a value of \$120 billion annually. There are 1 million illegitimate pregnancies to unwed teenagers every year in our country and of these 400,000 babies are aborted and yet 600,000 babies are born each year to youngsters hardly old enough to be away from their parents. In the Black community,

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according to a CBS report, 60% of all births are to women without a man in residence. And on the darker side of society an estimated 1/4 of our children are sexually assaulted while they are growing up. And each year between 1.2 million and 1.5 million teenagers are either runaways or throwaways. And to match our new sexual freedom, this year there will be an estimated 8.6 new cases of venereal disease in our country, and the dread, incurable killer, AIDS, may have already affected 1 million Americans. And our schools with what is called progressive education has become progressively worse. We have in our society 27 million functional illiterates, and each year we add 2.3 million to their number. Instead of being the most literate nation on earth we rank number 14 among the developed nations in literacy, and we are falling fast. And now in 1986, the same liberal elites who gave us the problem deny the cause and tell us this is a problem for government. Ladies and gentlemen, what we are facing is not a governmental problem. It is a moral problem. [Applause.]

Human cruelty, human selfishness, alcoholism, drug addiction and sexual promiscuity will always bring poverty and the disintegration of society. The answer for us does not lie in institutionalizing aberrant behavior, whether that behavior is substance abuse or sexual perversion. And certainly the answer does not lie in once again penalizing the productive sector of our society with high taxes and wasteful government spending. [Applause.] Ladies and gentlemen, the answer lies in a new rise

of faith and freedom that will give every American a vision of hope, a vision of opportunity, a vision that will take us past these troubled days and show us promise that lies ahead for each of us. And even as the framers of our constitution gave our forefathers a vision of a new land blessed with liberty, I would like for all of us on this special day to hold out a new vision for America. A new vision of hope ourselves and for our posterity. Our children and our grandchildren are our greatest treasure. And first of all, we owe them a secure and loving environment. We owe them strong homes and a mother and father who care for them, spend time with them and truly love them. We owe to them the excitement and future potential offered by education and job training that is second to none in the world. [Applause.] To accomplish this goal, we must guarantee our children a learning environment with tougher discipline in drug and alcohol free schools. [Applause.] For our children and grandchildren, we will eliminate once and for all from our land the mob supported drugs and pornography which are destroying and debasing their dream of the future. [Applause.] We will ensure to them a return to the basic, broad based phonics approach to reading. [Applause.] Our children must learn basic language and basic math. They must know the facts of history, the facts of geography, and the facts of science. [Applause.] The progressive education advocated by John Dewey and his followers is a colossal failure and must be abandoned. [Applause.] For our children and grandchildren's sake, we must ensure that the

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control of education is returned to their parents and caring teachers in local communities and taken away from a powerful union with leftist tendencies. [Applause.] There can be no education without morality, and there can be no lasting morality without religion. For the sake of our children, we must bring God back to the classrooms of America. [Applause.] Of course, some would say wouldn't that upset the atheists in our midst. [Laughter.] Studies done for us by George Gallup show that 94% of all Americans believe in God. Only 6% are atheist. Ladies and gentlemen, I passionately believe that the atheist among us should have every right of citizenship. The right to print, to broadcast, to speak, to persuade, to own business, to organize politically, to run for office, but I do not believe that the 94% of us who believe in God have any duty whatsoever to dismantle our entire public affirmation of faith in God just to please a tiny minority who don't believe in anything. [Applause.]

Ladies and gentlemen, as we see struggle for a new birth of faith and freedom in our nation we pledge ourselves without reservation to maintain religious liberty for all people. Speaking for myself and I'm sure for all of you, we affirm that we will preserve, protect and defend with all our strength the First Amendment to the Constitution of the United States as it was given to us by the founders of our nation. Several weeks ago my lovely daughter-in-law, who's with us here tonight, gave birth to a red headed, blue eyed baby boy, my first grandson. [Applause.] And as I looked down at that little fellow, I knew

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that we had placed on his tiny shoulders a share of a 2.3 trillion dollar national debt. As I thought more about it, I realized that before he started kindergarten he would owe a share of a 3 trillion dollar debt. And we ask ourselves, Why had we done this to him? Was our nation at war? Well not recently. Were we in the throes of a great depression? Hardly. Was there some natural calamity that justified such extraordinary spending? None that I'm aware. But in fact in times of extraordinary prosperity, we have become the first generation ever to plunder the patrimony of our children and its grandchildren. We have robbed them to pay for our wasteful excesses. [Applause.] Well, why then did we do it? We did it because Federal spending is out of control. We did it because we have a Congress controlled by politicians who lack the will to resist the clamor of special interest groups. [Applause.] We did it because we as a people have forgotten the words of President John Kennedy, who said, 'Ask not what your country can do for you, but rather ask what you can do for your country.' [Applause.] We must have a new vision of a lean, efficient government freed from the bloated excesses of the past providing for the people those things they can not do for themselves. Gone will be wasteful procurement. Gone will be unnecessary departments and agencies. Gone will be the frenzy to spend budget allocations before the next appropriation comes due. Gone will be tax subsidies paid to the rich, and gone will be the hordes of favor seekers who have come for their piece of what

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Donald Lambro calls 'Fat City.' Government will guarantee to every citizen the right to pursue happiness, but no longer will it try to guarantee happiness for every citizen. [Applause.] Government will be our servant, not our master. The Federal budget will be balanced, and we will weigh the foundation for a new era of prosperity. [Applause.]

Ladies and gentlemen, in 1978 I was shocked then when I learned then that America's trade deficit had hit an alarming \$33 billion. Now 8 years later that trade deficit is projected this year to reach a staggering \$168 billion. We cannot sit idly by and watch the industrial might of America over-come by foreign competition. Fine honest men and women [applause] fine honest men and women who've labored all their lives to produce our steel, our automobiles, our television sets, our petroleum are now out of work, and we're told not to worry because we are moving from an industrial to a service and information economy. But I do worry, because I know and you know that in order to survive an economy must produce tangible goods, and no economy can survive which buys its goods from other countries and sells services and information on computer screens to itself. [Applause.] Our new vision of America must include a partnership between the government, American business, and American working men and women. We can no longer count each other as adversaries, but allies in a worldwide struggle. We are all Americans and working together with our great resevoir of ingenuity, hard work and entrepenurial spirit we will make 'made

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in America' synonymous with the best in the world. We believe in free trade and open markets. We're against protective walls to shield outmoded or monopolistic industries, but we also believe in fair trade, and we serve due notice on the Japanese and our other trading partners, either give us free and fair access to your markets or we will shut down America's markets to you.

[Applause.]

One year ago this spring I visited a refugee camp in Honduras near the Nicaraguan border. I took my camera crew inside a dark tent with a dirt floor, and sitting on a rough cot was a Nicaraguan woman less than 5 feet tall. She told a tale of horror at the hands of the Sandinistas. Her husband had been a bus driver. The Sandinistas accused him of being sympathetic to the Contras. Without a trial they seized him, and before her eyes they dismembered his body. Then they raped her and lowered her into a well, half dead with shock and fear. She regained consciousness and struggled out of her confinement then made her way across the border to freedom. As I think about this little woman I realize that she is but one victim of the Communist tyranny that since 1917 has claimed through war, starvation, murder, and torture an estimated 250 million lives. President Abraham Lincoln wrote these unforgettable words, 'Familiarize yourself with the chains of bondage and you prepare your own limbs to wear them.' Can we craft a new vision for our own society while ignoring the chains of bondage upon 1 billion of our fellow human beings? Can we allow armed aggression from

outside or armed aggression from within a country to extinguish the freedom of its people? Can we turn a deaf ear to the cries for material help from those brave freedom fighters in Angola, in Afganistan, and in Mozambique and in Nicaragua, who would take to the field of battle and risk their own lives to bring freedom and democracy to their people? We must be strong enough to resist any further spread of Communist tyranny. [Applause.] We must hold forth the dream that one day this terrible blight on the world will fall through its own corruption and its violation of human nature. [Applause.] And while we wait we must make it our goal that no longer will Communist tyranny be financed by loans and credits from bankers and industrialists in the free world. [Applause.]

Yes, together we share a dream, a new vision for America, a vision of a great nation, a shining city on a hill, the undisputed leader of the free world. And together as we join our hands, our hearts and our voices as one we will once again see this great land truly one nation under God. [Applause.]

And now for a personal word from me. [Laughter.] For the past three years, people have come to me and said, 'Your vision for America is our vision. Will you be our champion and stand tall for the values millions of us share. Will you run for the Presidency of the United States?' And what began as a trickle has become a torrent. Tens of thousands of wonderful people standing on their feet saying 'go for it.' Those across America [Applause] those across America who know me know that

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this is not enough. The question for me on this or on any major decision for that matter is simple, what is God's will for me on this? [Applause.] And let me assure you that deep in my heart I know God's will for me in this crucial decision. I have his further assurance that he will care for, continue and enlarge the ministry of CBN, which is so dear to my heart. [Applause.] So now to all of you assembled on this 17th of September, I give you my decision. If by September 17, 1987, one year from today, 3 million registered voters have signed petitions telling me that they will pray, that they will work, and they will give toward my election, then I will run as a candidate for the nomination of the Republican party for the office of the President of the United States of America. [Applause.]

I want to introduce somebody very special to you. I know that many of you have been praying for her. She has had an amazing recovery from the hospital and she's here tonight with us, and along with her are my children. I have four children, two sons and two daughters, and their husbands and their wives. And I'm going to ask my family if they will join me at this time. My wife, Dee Dee. [Applause.] This is my daughter, Elizabeth, and her husband, Charlie, from Dallas. [Applause.] My daughter, Ann, and her husband, Michael. [Applause.] My oldest son, Tim, and his wife, Lisa, and my son, Gordon, is practicing law in Norfolk, Virginia. It's a thrilling night, Dee Dee. (Dee Dee: It certainly is.) The baby is back at the hotel, laughter, with the baby sitter. To every one of you I say, God bless you. I

outside or armed aggression from within a country to extinguish the freedom of its people? Can we turn a deaf ear to the cries for material help from those brave freedom fighters in Angola, in Afganistan, and in Mozambique and in Nicaragua, who would take to the field of battle and risk their own lives to bring freedom and democracy to their people? We must be strong enough to resist any further spread of Communist tyranny. [Applause.] We must hold forth the dream that one day this terrible blight on the world will fall through its own corruption and its violation of human nature. [Applause.] And while we wait we must make it our goal that no longer will Communist tyranny be financed by loans and credits from bankers and industrialists in the free world. [Applause.]

Yes, together we share a dream, a new vision for America, a vision of a great nation, a shining city on a hill, the undisputed leader of the free world. And together as we join our hands, our hearts and our voices as one we will once again see this great land truly one nation under God. [Applause.]

And now for a personal word from me. [Laughter.] For the past three years, people have come to me and said, 'Your vision for America is our vision. Will you be our champion and stand tall for the values millions of us share. Will you run for the Presidency of the United States?' And what began as a trickle has become a torrent. Tens of thousands of wonderful people standing on their feet saying 'go for it.' Those across America [Applause] those across America who know me know that

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thank you for this moment. It has been one of the most moving of my life. I love you very much, and God bless everyone of you.

Thank you." [America the Beautiful.]

(Announcer)

The preceding program has been paid for and authorized by Americans for Robertson. For further information on Pat Robertson or how you can become involved, call 1-800-821-1989, Ext 494, or write to Pat Robertson, Americans for Robertson, P.O. Box 37002, Washington, D.C. 20013.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE  
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JERYL L. WARREN *MW*

DATE: AUGUST 28, 1987

SUBJECT: MUR 2262 - COMPREHENSIVE INVESTIGATIVE REPORT #1  
SIGNED AUGUST 27, 1987

The above-captioned matter was received in the Office of the Commission Secretary Thursday, August 27, 1987 at 11:27 A.M. and circulated to the Commission on a 24-hour no-objection basis Thursday, August 27, 1987 at 4:00 P.M.

There were no objections received in the Office of the Commission Secretary to the Comprehensive Investigative Report #1 at the time of the deadline.

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EXECUTIVE SESSION  
**SENSITIVE**  
OCT 06 1987

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

M.G. Robertson  
Americans for Robertson  
and Edward J. Whelan  
as treasurer

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)  
) MUR 2262  
)  
)

**COMPREHENSIVE INVESTIGATIVE REPORT #2**


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On August 28, 1987, the General Counsel's Office circulated a Comprehensive Investigative Report indicating that the transcripts of Mr. Robertson's September 17, 1986, nationwide broadcast, had been prepared and were under review. At this time, this Office is preparing briefs concerning the events surrounding that broadcast. Based on the Commission's direction, this Office limited its investigation to the events surrounding the broadcast, including a review of solicitation materials and the transcripts.

On September 15, 1987, it was reported that Mr. Robertson announced that he will formally declare his presidential candidacy on October 1, 1987. Marc Nuttle, Mr. Robertson's campaign manager reportedly has stated that Americans for Robertson ("AFR") will file disclosure reports with the Commission by October 15, 1987. See Washington Post, Wednesday, September 23, 1987, at A9. These reports may provide additional information regarding the September 17, 1986 broadcast. See 11 C.F.R. § 100.7(b)(1)(i).

This Office will review the disclosure reports filed by AFR  
on the public record before completing the brief.

Lawrence M. Noble  
Acting General Counsel

Date 9/25/87

By:   
Lois G. Lerner  
Associate General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

MEMORANDUM TO: LAWRENCE M. NOBLE  
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/SUSAN GREENLEE S.G.

DATE: SEPTEMBER 28, 1987

SUBJECT: OBJECTION TO MUR 2262: Comprehensive Investigative  
Report #2  
signed September 25, 1987

The above-captioned document was circulated to the  
Commission on MONDAY, SEPTEMBER 28, 1987 at 11:00 a.m.

Objections have been received from the Commissioners  
as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Josefiak	<u>  X  </u>
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	_____

This matter will be placed on the Executive Session  
agenda for October 6, 1987.

Please notify us who will represent your Division  
before the Commission on this matter.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE  
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / SUSAN GREENLEE S.G

DATE: SEPTEMBER 29, 1987

SUBJECT: OBJECTION TO MUR 2262: Comprehensive Investigative  
Report #2  
signed September 25, 1987

The above-captioned document was circulated to the  
Commission on Monday, September 28, 1987 at 11:00 A.M.

Objections have been received from the Commissioners  
as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Josefiak	_____ X _____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	_____ X _____

This matter will be placed on the Executive Session  
agenda for October 6, 1987.

Please notify us who will represent your Division  
before the Commission on this matter.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 23, 1987

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble  
General Counsel

SUBJECT: MUR #2262

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on November 23, 1987. Following receipt of the respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

1-Brief

2-Letter to respondents

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 23, 1987

Marion Harrison, Esq.  
Law Office of Marion Edwyn Harrison  
1000 Potomac Street, N.W.  
Washington, D.C. 20007

RE: MUR 2262  
M.G. Robertson  
Americans for Robertson  
and Edward J. Whelan,  
as treasurer

Dear Mr. Harrison:

Based on a complaint filed with the Federal Election Commission on October 8, 1986, and information supplied by you, the Commission, on March 10, 1987, found that there was reason to believe your clients violated 2 U.S.C. §§ 432(e)(1), 433 and 434.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

The Commission may or may not approve the General Counsel's recommendation submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

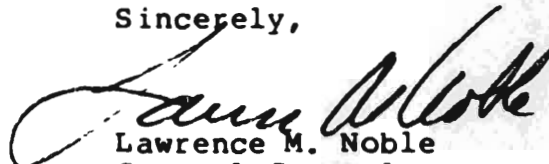
Letter to Marion Harrison, Esq.  
Page 2

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days. All requests for extension of time must be submitted in writing five days prior to the due date. Further, good cause must be shown.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Anne A. Weissenborn, the attorney handling this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
M.G. Robertson ) MUR 2262  
Americans for Robertson and )  
Edward J. Whelan, )  
as treasurer )

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

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This matter was initiated by a complaint filed on October 8, 1986, by Mr. Harvey Furgatch. The complainant alleges that as a result of a September 17, 1986 nationwide broadcast, and activities undertaken in connection with the broadcast, M.G. (Pat) Robertson became a candidate for the 1988 Republican presidential nomination. Mr. Furgatch contends that because Mr. Robertson had become a candidate, he could not utilize the "testing the waters" provisions of the Commission's regulations and thus was obligated to register as a candidate and designate a principal campaign committee. 2 U.S.C. § 432(e)(1). See also 11 C.F.R. §100.7(b)(1). The complaint further alleges that because Mr. Robertson was a candidate, his committee, Americans for Robertson ("AFR"), Edward J. Whelan, as treasurer, was required to register and report its campaign activities. 2 U.S.C. §§ 433 and 434.

According to the complaint, on September 17, 1986, Mr. Robertson, in a nationwide broadcast, announced that "if by September 17, 1987, one year from today, 3 million registered voters have signed petitions telling me that they will pray, that



they will work, and they will give toward my election, then I will run as a candidate for the nomination of the Republican Party for the office of President of the United States of America." This broadcast was seen by approximately 120,000 to 145,000 persons in 216 locations throughout the country. The complaint alleges that the broadcast cost as much as \$3 million and was expected to raise gross revenues of between \$5 million and \$10 million. The complaint further alleges that Robertson has "for several months . . . actively engaged in general public advertising directed to the solicitation of funds on a mass scale," including sending a direct-mail fundraising letter to 1.6 million people which declared that Robertson reached his qualified decision "in response to tens of thousands of people across America . . . clapping and shouting, urging me -- 'GO FOR IT, Pat! . . . I AM READY TO GO FOR IT.' Now its up to you." Mr. Robertson also held two fundraising dinners prior to the broadcast on August 1 and 2, 1986. Based on this activity, the complaint concludes that Mr. Robertson became a candidate for the 1988 presidential nomination and, therefore, was required to report his activities pursuant to 2 U.S.C. § 434.1/

1/ The complaint also alleges that other statutes, specifically 47 U.S.C. §§ 312 and 316, may be "affected by the outcome of the Commission's investigation of this complaint." Because those statutes are not within the Commission's jurisdiction, the Commission did not address those allegations.

On March 10, 1987, the Commission found reason to believe that Mr. Robertson violated 2 U.S.C. § 432(e)(1) by failing to register as a candidate, and that AFR, and its treasurer (subsequently identified as Edward J. Whelan), violated 2 U.S.C. §§ 433 and 434 and initiated an investigation. In making these findings, the Commission concluded that the allegations in the complaint were limited to the September 17, 1986 broadcast and events surrounding that broadcast. The Commission specifically instructed the General Counsel to conduct an investigation of the activities of Mr. Robertson and AFR as they related to the broadcast.<sup>2/</sup> Thereafter, this Office sent interrogatories and requests for production of documents to the respondents.

## II. Analysis

### A. The Act and Regulations Permit Limited Activity for Testing-the-Waters.

The Act defines a candidate as one who seeks nomination for election to federal office and receives contributions or makes expenditures in excess of \$5,000. 2 U.S.C. § 431(2). Sections 100.7(b) and 100.3(b)(1)(i) of the regulations exempt certain activities from the definition of contribution and expenditure. These exemptions commonly are referred to as the "testing the waters" provisions.

<sup>2/</sup> Because of the limited scope of the investigation other AFR activity, including the nationwide petition effort, was not reviewed.

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The purpose of these testing the water provisions is to provide a potential candidate with a limited opportunity to conduct activities directed toward an evaluation of the feasibility of becoming a candidate. Polling, telephone calls and travel are listed among the permissible activities that may be undertaken in a testing the waters effort. 11 CFR §100.7(b)(1)(i). The regulations specify that only funds permissible under the Act may be used for such activities and that records must be kept of all activity during the testing period. The testing provisions also state that the exemption does not apply to funds received for activities indicating that an individual has decided to become a candidate, and that general public political advertising and the raising of funds in excess of what would reasonably be expected to be used for exploratory activities are prohibited.

The regulations thus permit an individual to both receive funds and make payments without such funds received or payments made counting toward candidacy, provided that the individual is still determining whether to become a candidate. The sole issue the Commission has investigated in this matter is whether the activities of Mr. Robertson and AFR in connection with the September 17, 1986 broadcast are to be considered as testing the waters pursuant to 11 CFR § 100.7(b)(1).

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The Commission has addressed the issue of what activities are permitted under the testing the waters regulations in numerous advisory opinions.<sup>3/</sup> See, e.g., Advisory Opinions 1981-32, 1982-3 and 1985-40, respectively located at 1 Fed. Elec. Camp. Fin. Guide (CCH) ¶¶ 5620, 5647 and 5842.<sup>4/</sup> In these opinions, the Commission has permitted a wide range of activities under the testing the waters provisions. In each opinion, however, the Commission emphasized that, for activity to be exempt from reporting, it must be undertaken solely to determine whether one should become a candidate, and cannot be for general public political advertising, to affirm a private decision to become a candidate or to amass campaign funds in excess of what is reasonable to explore a potential candidacy. See also 11 C.F.R. §100.7(b)(1)(ii).

In Advisory Opinion 1981-32, the Commission considered whether, among other activities, travel by the potential candidate, employment of political consultants and public relations specialists, solicitation of contributions on a limited scale, correspondence with supporters of a possible campaign and distribution of the candidate's biographical brochure in

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<sup>3/</sup> Although the regulations have changed since the Commission adopted those opinions, they remain valid with respect to their analysis of the scope of testing the waters activity that is proscribed or permitted.

<sup>4/</sup> In Advisory Opinion 1986-6, 1 Fed. Elec. Camp. Fin. Guide ¶ 5849, the Commission concluded that the activities proposed were directed toward party-building and not for testing the viability of candidacy.

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connection with speaking appearances fell within the testing the waters exemptions.<sup>5/</sup> In its discussion the Commission pointed out that the context in which the activity occurs is important in determining whether specific activity falls within the testing the waters exemptions. Activities involving considerable public contact could entail a "purposeful active effort to gain all possible benefit from those contacts," and thus go beyond testing the waters. Furthermore, the exemptions are "inapplicable once the public activities of the individual take on a partisan political quality which would indicate that a decision has been made to seek nomination for election, or election, to a Federal office." The Commission also indicated that the time frame during which the activities occur is relevant to the issue of whether the activity falls within the exemptions; and cautioned that engaging in activity over a protracted period would strongly suggest the activity was being used as a means of building campaign support.

In Advisory Opinion 1982-3, the Commission again considered whether such activities as travel, reimbursement of expenses and hiring political consultants fell under the testing the waters exemptions. The Commission found that these activities were within the exemptions provided that the activity was "directed to an evaluation of the feasibility of one's candidacy rather than

<sup>5/</sup> The Commission's review of these proposed activities was limited by the requestor's assertions that no expenditures would be made for mass mailings to persons interested in the requestor's candidacy or for the purpose of raising funds for a possible future candidacy.

reinforcing a privately reached decision to become a candidate or heightening the potential candidate's political appeal to the electorate." While concluding, based on the representations made in the request, that the activities at issue would qualify as testing the waters, the Commission again stressed that the factual context and time frame in which such activities occur weigh heavily in the determination of whether activity falls within the testing the waters exemptions.

Finally, in Advisory Opinion 1985-40, the Commission said that travel for speaking engagements, appearances at "cattle shows," hosting of hospitality suites and fundraising, including direct mail solicitations to contributors, fell within the exemptions provided that the activities were solely for the purpose of determining whether one should become a candidate. In reaching its determination concerning the direct mail solicitations, the Commission recognized that such solicitations ordinarily are considered general public political advertising and, therefore, do not qualify for testing the waters exemptions. Because, however, the facts presented in the request indicated the requestor had not yet decided to become a candidate, the solicitation would state he was not a candidate, and the limited number of solicitations (between 1500 and 10,000) would not result in amassing campaign funds, the Commission found that such activity would fall within the testing the waters exemptions.

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**B. The September 17, 1986 Broadcast with Surrounding Events was a Partisan Political Event Outside the Scope of Testing the Waters.**

As illustrated by the cited Advisory Opinions, in determining whether an activity qualifies as testing the waters, the Commission looks not only at the activity, but also at the context in which it occurs. "Thus, if any of the activities take place in a factual context indicating that the [individual] has moved beyond the deliberative process of deciding to become a candidate, and into the process of planning and scheduling public activities designed to heighten his political appeal to the electorate, then the activity would cease to be within the exemption, and candidacy would arise." Advisory Opinion 1982-3. Although Mr. Robertson attempted to qualify his candidacy during the broadcast and surrounding events, including the direct mail solicitations, a review of these activities in the context in which they occurred indicates these were partisan political events outside the scope of the testing the waters exemptions.

The September 17, 1986 broadcast consisted of numerous individuals declaring support for Mr. Robertson and for his presidential candidacy as well as a thirty minute speech by Mr. Robertson. Bands played and choirs sang patriotic music followed by speaker after speaker extolling Mr. Robertson's virtues and accomplishments and either urging him to run for president or specifically endorsing his candidacy. The event was held at Constitution Hall in Washington, D.C., and transmitted by

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satellite to 215 other locations throughout the country.

Approximately 150,000 persons were in attendance. According to reports filed by AFR on October 15, 1987, the Robertson campaign paid approximately \$4.2 million to pay vendor also for services provided for the broadcast and related events. AFR reported raising in excess of \$2.3 million as a result of this event.<sup>6</sup> This large scale public contact is precisely the type of activity which the Commission cautioned would be evidence of a purposeful active effort to gain political benefit which would fall outside the scope of testing the waters.

In his remarks during the broadcast, Mr. Robertson outlined the problems he saw in America as well as his proposed solutions to these problems. At the end of his speech, he stated that many people have urged him to run for President. He said that "tens of thousands of wonderful people standing on their feet saying 'go for it'...this is not enough. The question for me on this or on any major decision for that matter is simple, 'What is God's will for me on this?'" Mr. Robertson concluded by saying that "if by September 17, 1987, one year from today, 3 million registered voters have signed petitions telling us that they will pray, that

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6/ On October 1, 1987 Mr. Robertson officially declared his candidacy for the 1988 Republican Presidential nomination. Mr. Robertson designated AFR as his principal campaign committee. On October 15, 1987 AFR filed financial disclosure reports with the Commission covering the period from its inception, July 21, 1986 through September 30, 1987. AFR reported total receipts of \$11,737,906.67 with total disbursements of \$11,474,714.75. AFR further reported cash on hand of \$263,221.92 with debts of \$913,981.75.



they will work, and they will give toward my election, then I will run as a candidate for the nomination of the Republican party for the office of the President of the United States of America." These comments are, again, evidence that the activity falls outside the scope of what the Commission has previously considered to be testing the waters activity. While couched in terms of the future, Mr. Robertson's speech indicated he had **already decided to seek the Republican nomination and merely was** seeking affirmation of that decision and support for his candidacy. Furthermore, as the Commission suggested in A.O. 1981-35, by setting forth a protracted period for the activity he outlines, Mr. Robertson diminished the usefulness of the activity as testing the waters and magnified its effect as a means of building campaign support.

The content of the speeches at the broadcast further supports the conclusion that the event was designed to promote Mr. Robertson's candidacy, rather than evaluate whether he should become a candidate. Each speaker at the broadcast declared that Mr. Robertson would make a good president and is an individual "to be taken seriously" as a presidential candidate. For example, Art Williams, a speaker at the event, said that "I've found a different kind of man in America. I've found a man you can trust. I've found a man with tremendous integrity, with tremendous character. A man that's got the courage to stand up for what he thinks is right... That man is Dr. Pat Robertson... I support Pat Robertson for President...." Another speaker,

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Jimmy Draper, stated that Mr. Robertson "is uniquely qualified to protect us from the threats we face today." Mr. Draper further declared that Pat Robertson is "a man of integrity and fairness, and honor and diligence and intelligence and many other stellar qualities that uniquely qualify him to be President of the United States." These remarks, typical of each person who spoke at the broadcast, promoted Mr. Robertson as a person qualified to be president. This is the type of partisan political activity which the Commission cautioned is outside the scope of the testing the waters exemptions. See Advisory Opinion 1981-32.

In conjunction with the broadcast, AFR caused to be mailed two fundraising letters and one invitation/thank you letter package. The fundraising letter dated September 18, 1986, repeated Robertson's pledge to become a candidate upon the success of the petition drive in gathering the signatures and support of 3 million registered voters. In this letter Robertson stated that he was not then a candidate and was merely attempting to gain support through a testing the waters effort.

Unlike the limited solicitation previously considered by the Commission to be testing the waters activity, however, Mr. Robertson's solicitation letters, which sought donations of at least \$100 per person, were sent to 1.6 million people. In response, AFR raised at least \$2.3 million from this one mass mailing. A mailing of such scale, sent in conjunction with a public broadcast of a partisan nature, constitutes general public political advertising designed not merely to determine the feasibility of a candidacy, but instead to promote a

candidate and to raise funds to sustain an actual campaign effort. Such activity is not covered by the testing the waters exemptions.

In sum, Mr. Robertson's and RTB's activities in connection with the September 17, 1986 broadcast do not qualify as testing the waters. The testing the waters exemptions are designed to **determine candidate viability**. In contrast, the broadcast was a public event of a partisan nature, viewed by approximately 120,000 to 145,000 persons at 215 locations throughout the country. The events cost over \$4 million. In connection with the event, direct mail solicitations were sent to well over a million potential contributors. The purpose of these events was not to evaluate a potential candidacy but instead to present Mr. Robertson as a legitimate candidate for the 1988 Republican presidential nomination. Consequently, the activities did not qualify for the testing the waters exemptions and instead counted toward the threshold for candidate status.

Based on the foregoing analysis, this Office recommends that the Commission find probable cause to believe that Mr. Robertson violated 2 U.S.C. §432(e)(1) for failing to designate a political campaign committee within 15 days of becoming a candidate and that RTB and its treasurer Edward J. Whelan, violated 2 U.S.C. §§ 433 and 434 for failing to register and report Mr. Robertson's financial activity in a timely manner after Mr. Robertson became a candidate.

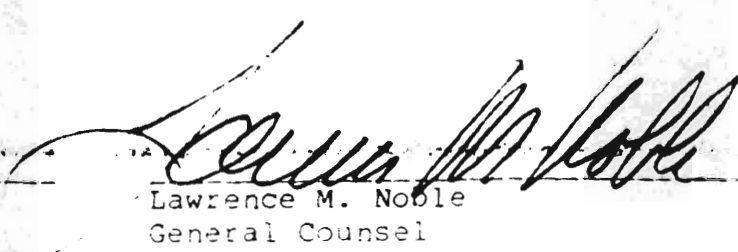
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**III. RECOMMENDATION**

1. Find probable cause to believe that M.G. Robertson violated 2 U.S.C. § 432(e)(1).
2. Find probable cause to believe that Americans For Robertson, Edward J. Whelan, as its president, violated 2 U.S.C. § 432 and 434.

Date

11/20/97

  
Lawrence M. Noble  
General Counsel

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FEDERAL ELECTION COMMISSION

87 DEC 11 AM 10:42

December 9, 1987

Anne A. Weissenborn, Esquire  
Office of the General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 2262

Dear Ms. Weissenborn:

Consistent with our conversation in your office on December 4, 1987, we request an extension of time until Monday, February 1, 1988 to file with the Secretary of the Federal Election Commission a brief in response to the brief of the General Counsel, dated November 23, 1987 and received November 25.

For the past number of days and continuing until December 15, in addition to attempting to handle necessary ongoing clientele matters, I have been preparing for trial of a case, scheduled to begin December 15, with witnesses coming in from California, Florida, Canada, England and Finland. I anticipate a three-day (Friday-Saturday-Sunday) Christmas holiday in Atlanta, with children and grandchild. Then I have trips in January to Chicago and to Fort Lauderdale, which will consume about twelve days (although I can get some work done on the brief on one of those trips). Thus, I cannot begin heavy work on the brief until middle January.

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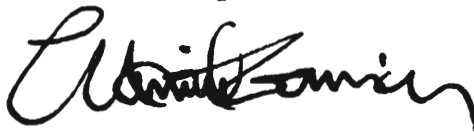
Anne A. Weissenborn, Esquire  
Page 2

Absent a continuance, our brief would be due on December 8. The continuance sought is fifty-four days, including Christmas, New Years and other nonbusiness days (upon all of which except four I expect to work).

You have done a thorough job on your brief. The case was pending for more than a year before you completed your brief. While I don't need a year to respond, allowing for inevitable other interruptions, I do need a few weeks and unfortunately that period of time does not start to run until next month.

We much appreciate your understanding.

Sincerely,



MARION EDYWN HARRISON

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SENSITIVE

December 18, 1987

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MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner *LL*  
Associate General Counsel

SUBJECT: MUR 2262; Request for Extension of Time

By letter dated December 9, 1987, counsel for M.G. (Pat) Robertson and Americans for Robertson, Inc., requested an extension of 54 days in which to respond to the General Counsel's Brief in the above-captioned matter. (Attachment 1). The letter explains that an extension is necessary because of trial and travel obligations on the part of counsel.

The Office of the General Counsel recommends that the Commission grant the requested extension in light of the complexities of the matter at issue and the factors outlined in counsel's letter.

RECOMMENATIONS

1. Grant an extension of 54 days to M.G. (Pat) Robertson and Americans for Robertson, Inc.
2. Approve the attached letter.

Attachments  
Request for extension of time  
Letter

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 11, 1988

Marion Edwyn Harrison, Esquire  
1000 Potomac Street, N.W.  
Third Floor  
Washington, D.C. 20007

Re: MUR 2262

Dear Mr. Harrison:

This is in response to your letter of December 9, 1987, which was received on December 11, 1987, requesting an extension of time until February 1, 1988, in which to respond to the brief of the General Counsel which you received on November 25, 1987.

Although your written request was received after the date your brief was due, the Federal Election Commission has considered the circumstances set forth in your letter and has granted the requested extension of time. Accordingly, your response is due by close of business on February 1, 1988.

If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

A handwritten signature in cursive script, reading "Lawrence M. Noble", is written over the typed name.

Lawrence M. Noble  
General Counsel

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**HAND DELIVERED**

FEDERAL ELECTION COMMISSION

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

M. G. (PAT) ROBERTSON  
AMERICANS FOR ROBERTSON  
CBN CONTINENTAL  
BROADCASTING NETWORK, INC.  
VICTORY COMMUNICATIONS  
INTERNATIONAL, INC.

MUR 2262

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**BRIEF OF RESPONDENTS**

M. G. (PAT) ROBERTSON AND AMERICANS FOR ROBERTSON, INC.

**I. Background**

This matter is unique. The Federal Election Commission ("FEC") never has had before it a remotely similar set of facts. There is no pertinent FEC advisory opinion or judicial decision.

**II. Identification of Complainant and Nature of the Complaint**

Complainant, Mr. Harvey Furgatch, upon information and belief, is an affluent real estate developer, living in Delmar,

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California and maintaining offices in San Diego, holding no public office (although once a San Diego Port Commissioner) and long active in supporting sundry liberal causes. Neither Respondent has an acquaintance with, or any direct knowledge of, Complainant.

The Complaint is a mixture of hearsay and argument. Complainant appears to derive his allegations solely from six newspaper articles, Complainant's Exhibits A-F, and an unnumbered photocopy of a blank petition, which upon its obverse (accurately) recites that it is authorized and paid for by Respondent Americans For Robertson, Inc. ("AFR").

Subsequent to Mr. Furgatch's filing of the Complaint on October 8, 1986, the FEC General Counsel conducted limited written discovery of AFR. Apparently there has been no other discovery or investigation by the FEC General Counsel.

On March 10, 1987 the FEC made a reason to believe finding. In so doing, according to the FEC General Counsel, the Commissioners concluded that the allegations in the Complaint are limited to the September 17, 1986 television broadcast (more fully discussed in §III, infra) "and events surrounding that broadcast".

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To the extent possible, Respondents endeavor to limit this Brief to that scope, notwithstanding the obvious lack of susceptibility to severed packaging of interwoven facts.

### III. Material Facts

The following facts appear to be material and not genuinely in dispute.

1. AFR is a not-for-profit corporation organized and existing pursuant to the laws of the District of Columbia, incorporated July 21, 1986, specifically

to qualify, pursuant to the Federal Election Campaign Act of 1971, as amended (or corresponding provisions of subsequent federal election laws), as a committee to evaluate public and voter receptivity (commonly called "testing the waters", as that phrase is used in the regulations of the Federal Election Commission) as to the possible presidential candidacy of Marion G. Pat Robertson...

2. Pat Robertson consented to the formation on July 21, 1986 of AFR as an exploratory committee.

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3. The sole plan and function of AFR from its incorporation (July 21, 1986) until October 1, 1987 was to test voter sentiment to determine whether at least three million voters between September 17, 1986 and September 17, 1987 would sign petitions urging Pat Robertson to run for President. This exploratory effort was not geared to a political strategy--e.g., concentration in early primary states--but was broadbrush and nationwide, to accord voters wherever they lived the opportunity to sign a petition urging Pat Robertson to run by pledging prayer, work and donation.

4. On September 17, 1986 a teleconference was held from Constitution Hall, Washington, D.C. It was transmitted by satellite to 215 other locations throughout the country. Approximately 150,000 persons were in attendance. AFR expended approximately \$4.2 million to one vendor for services provided, as a turnkey contract, for the teleconference and related events. AFR raised less than the cost of the events--namely some \$2.3 million. At the teleconference Pat Robertson spoke for about thirty minutes; others spoke, supportive of a possible candidacy; bands played; choirs sang patriotic music.

5. In his remarks during the teleconference, Pat Robertson outlined some of the problems he saw besetting this

country and offered summarized proposed solutions. At the end of his remarks, Pat Robertson stated that many people had urged him to run for President.

6. At the teleconference on September 17, 1986 Pat Robertson announced that "if by September 17, 1987, one year from [then], three million registered voters have signed petitions telling me that they will pray, that they will work, and that they will give toward my election, then I will run ..."

7. Many times from September 17, 1986 until September 17, 1987 Pat Robertson reaffirmed the requirement of three million indications of support.

8. Many of those people who urged Pat Robertson to run by so pledging are not Republican Party "regulars" or activists. Many are not even Republicans, but are independents or Democrats. Pat Robertson sensed this demography. He decided that his candidacy would not be viable without expressions of strong, widespread and dedicated support. He had no party patronage or other such comfort to offer. He had no political IOUs to collect. If he ran, he would oppose candidates who had been elected, defeated and/or appointed in a Republican Party context.

9. Accordingly, Pat Robertson decided a minimum of two million pledges would be essential. He felt that without them, he would know that those dedicated people who wanted him to run would not be enough. In due course, after further study, reflection and prayer, he raised the requirement to three million because he wanted to have no doubt that there was an adequate statistical basis for a candidacy. He felt strongly that if sufficient support was not forthcoming, he would serve America better by foregoing a candidacy.

10. There never was a question or doubt in Pat Robertson's mind: absent three million pledges, he would not become a candidate. Tens of thousands of people before September 17, 1986 had urged him to "go for it". By September 17, 1986 he was ready--but only upon condition of the pledges within twelve months.

11. Pat Robertson made his intent as public and as clear as he knew how.

12. Pat Robertson's conditions for a candidacy were clear and authoritative.

13. So far as the parties have determined, never before has an individual stated publicly and repeatedly what indication of support he must have or the form in which he must have it or the date by which he must have it if he is to run for President.

14. In conjunction with the teleconference, AFR caused to be mailed, through a turnkey contractor, two fundraising letters and one invitation/thank you letter package. The fundraising letter dated September 18, 1986 repeated the Robertson pledge to become a candidate upon receipt of the required three million signatures and stated that Pat Robertson was not then a candidate and was merely attempting to gain support through a testing the waters effort. Said letters were sent to approximately 1.6 million addressees, or an average of 3,675 addressees per congressional district.

15. The gross financial return from the letters was at least \$2.3 million, or an average of \$5,287.00 per congressional district.

16. Fundraising was directly and necessarily an element of petition availability. Funds were raised and used solely to

publicize petition signing opportunities and to circulate petitions for signature to those who might sign them.

17. In excess of three million indications of support were received between the period September 17, 1986 and September 17, 1987. Three million is more than 25% of the 1980 Republican presidential primaries total vote.

18. Pat Robertson continued as President and Chief Executive Officer of CBN Broadcasting Network and related companies; as a nationwide television broadcaster; and on the active roles as an ordained Baptist minister. Only after he became a candidate did he resign these positions.

19. Pat Robertson would not have become a candidate if his conditions had not been fulfilled.

20. Pat Robertson as an "individual", and AFR as a committee, specifically did not:

(A) Use "general public political advertising to publicize [Pat Robertson's] intention to campaign ..."



To the contrary, AFR publicized Pat Robertson's intention not to become a candidate absent three million signatures. Pat Robertson individually repeatedly confirmed the condition precedent without which he would not run.

(B) (1) Pat Robertson raised no funds. AFR raised funds solely to support the petition drive and actually raised some \$550,760.00 less than was required--and hence, "could reasonably be expected to be used"--"for exploratory activities ..."

(B) (2) Neither Pat Robertson nor AFR undertook "activities designed to amass campaign funds that would be spent" were Pat Robertson to become a candidate. In fact, AFR, as noted in ¶20 (B)(1), above, fell some \$550,760.00 short of raising adequate funds for testing the waters and, thus, amassed no campaign fund whatever.

(C) Pat Robertson neither made nor authorized "written or oral statements that refer to him ... as a candidate ..." AFR likewise neither made nor authorized any such statement.

(D) (1) Neither Pat Robertson nor AFR conducted "activities in close proximity to the election ..." The testing activity effectively concluded on September 17, 1987.

(D) (2) Pat Robertson and AFR conducted such activity from July 21, 1986 until September 17, 1987. The period from July 21 to September 17, 1986 essentially was organizational and preparatory.

(E) Neither Pat Robertson nor AFR took action "to qualify for the ballot..."

To the contrary, Pat Robertson repudiated all candidacy efforts on his behalf, including draft attempts.

#### IV. Argument

The General Counsel suggests that "[t]he sole issue the Commission has investigated in this matter is whether the activities of Mr. Robertson and AFR in connection with the September 17, 1986 broadcast are to be considered as testing the waters pursuant to 11 CFR §100.7(b)(1)." The issue is not so circumscribed simply because FEC investigated no more

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broadly. However, to the extent the focus is upon the September 17, 1986 teleconference in the context of the purpose and function of AFR during the period July 21, 1986-October 1, 1987--namely, to test the level of support required by Pat Robertson--then the scope of investigation and the issue before the Commissioners substantially are identical.

Thus, the issue now before the Commissioners is whether the activities of Mr. Robertson and AFR in connection with the September 17, 1986 teleconference and related activities are to be considered as testing the waters pursuant to 11 CFR \$100.7(b)(1).

There is no applicable statute.

The applicable regulations are somewhat terse.

11 CFR \$100.7(b). The term "contribution" does not include the following payments, services or other things of value:

- (1) (i) Funds received solely for the purpose of determining whether an individual should become a candidate are not contributions. Examples of activities permissible under this exemption if they are conducted to determine whether an individual should become a candidate include, but are not limited to, conducting a poll, telephone calls, and travel ...[Emphasis supplied.]

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- (ii) The exemption does not apply to funds received for activities indicating that an individual has decided to become a candidate for a particular office or for activities relevant to conducting a campaign. Examples of activities that indicate that an individual has decided to become a candidate include, but are not limited to:
- (A) The individual uses general public political advertising to publicize his ... intention to campaign ...
  - (B) The individual raises funds in excess of what could reasonably be expected to be used for exploratory activities or undertakes activities designed to amass campaign funds that would be spent after he ... becomes a candidate.
  - (C) The individual makes or authorizes ... statements that refer to him ... as a candidate ...
  - (D) The individual conducts activities in close proximity to the election or over a protracted period of time.
  - (E) The individual has taken action to qualify for the ballot ...

Only six FEC advisory opinions directly address exploratory activity. Two of these, AO 1982-39, CCH ¶5684 (June 25, 1982), involving Senator Alan L. Cranston's presidential attempt, and AO 1986-12, CCH ¶5855 (May 12, 1986), involving former Representative Geraldine B. Ferraro's committees, considered the subject of inter-committee transfers and are irrelevant.

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The General Counsel cites three: AO 1981-32, CCH ¶5620 (October 2, 1981), involving the Ruben Askew presidential candidacy; AO 1982-3, CCH ¶5647 (March 15, 1982), another Cranston opinion; and AO 1985-40, CCH ¶5842 (January 24, 1986), relating to the Howard H. Baker presidential campaign.

In AO 1981-32, Askew, former Governor Askew's committee sought an opinion as to whether Mr. Askew could:

1. Travel through the country for the purpose of speaking to political and non-political groups on a variety of public issues and meeting with opinion makers and others interested in public affairs for the purpose of determining whether potential political support exists for a national campaign.
2. Employment of political consultants for the purpose of assisting with advice on the potential and mechanics of constructing a national campaign organization.
3. Employment of a public relations consultant for the purpose of arranging and coordinating speaking engagements, disseminating copies of the Governor's speeches, and arranging for the publication of articles by the Governor in newspapers and periodicals.
4. Rental of office space.
5. Rental or purchase of office equipment for the purpose of compiling the names and addresses of individuals who indicate an interest in organizing a national campaign.
6. Preparation and use of letterhead stationery and correspondence with persons who have indicated an

interest in a possible campaign by the Governor. It is understood that dissemination of information through mailings to the general public would not be appropriate "Testing the Waters" activity.

7. Supplementing the salary of a personal secretary who is employed by the Governor's law firm but will have the additional responsibility during the testing period of making travel arrangements taking and placing telephone calls related to the testing activities, assisting in receiving and depositing the funds used to finance the testing, and assisting with general correspondence.
8. Reimbursement of the Governor's law firm for the activities of an associate attorney who is employed by the firm but will have the responsibility during the testing period of researching and preparing speeches, and coordinating the arrangement of interviews of the Governor by the news media, answering inquiries of the news media, arranging background briefings on various public issues, and travelling as an aide on some of the testing trips.
9. Reimbursement of the Governor's law firm for telephone costs, copying costs, and other incidental expenses which may be incurred.
10. Travel to other parts of the country in order to attend briefings on various public issues.
11. Employment of a specialist in opinion research to conduct polls for the purpose of determining the feasibility of a national campaign.
12. Employment of an assistant to help coordinate travel arrangements and also travel as an aide on some of the testing trips.
13. Preparation and printing of a biographical brochure and possibly photographs to be used in connection with speaking appearances by Governor Askew. It is understood that such a brochure and such photographs would not be utilized in a general mailing.

14. Solicitation of contributions for the limited purpose of engaging in such "Testing the Water" activities as the foregoing. It is understood that this period would not be used for the purpose of raising funds for any possible later campaign.

FEC approved all fourteen pursuits. That constitutes the force and effect of the Opinion. The balance is mere dictum. In that dictum, FEC expresses "concern" as to activities ## 2, 3, 6, 8 and 13.

Thus, contrary to the assertion, General Counsel's Brief ("GCB"), page 5, FEC has not "emphasized that, for activity to be exempt from reporting, it must be undertaken solely to determine whether one should become a candidate, and cannot be for general public political advertising, to affirm a private decision to become a candidate or to amass campaign funds in excess of what is reasonable to explore a potential candidacy" [emphasis supplied], notwithstanding the fact the quoted language is an accurate paraphrase of §100.7(b)(1)(ii).

The Askew Opinion is somewhat of an open sesame in that there is no indication as to specifically what Mr. Askew was testing. This open-ended criterion, which really is the absence of criteria, pervades every advisory opinion on testing

the waters. No potential candidate (and everyone subsequently became a candidate) delineates with anything approaching specificity what it is he is testing, much less the precise criteria by which he will test. This, of course, readily distinguishes Askew and every other opinion from the facts in MUR 2262.

In Askew, there was no issue as to raising funds for a future candidacy and there is none at hand.

Askew is applicable on the key point and nothing more--to wit, the Askew activity, like the Robertson and AFR activity, must not occur in a context "which would indicate that the decision has been made to seek nomination ..." Ibid, at 10,785.

In short, the Askew Opinion approves activity much like that of AFR but which, unlike that of AFR, is directed not to a specific test of the waters but only to unspecified or nonexistent testing criteria. If Mr. Askew had made a private decision somewhere along the way to become a candidate, as ultimately he did become, how would one know, absent a single criterion?



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In AO 1982-3, the Senator Cranston-Presidential Candidate Cranston Opinion, FEC, 5-1, approved the following activity:

1. Travel by the Senator, committee members and perhaps others for the purpose of "testing the waters", including speaking to groups on a variety of public issues and meeting with opinion makers.
2. Reimbursement of certain expenses incurred by the Senator, committee members and perhaps others for the purpose of "testing the waters", including some expenses which, if the Senator were to become a candidate, would be contributions to the committee if not reimbursed.
3. Hiring independent contractors in such fields as polling, political consulting, public opinion, communications or research for specific tasks relating to "testing the waters".
4. Compiling and maintaining information concerning persons who indicate an interest in the possible candidacy of Senator Cranston. There will be no expenditures for mass mailings to such persons or to the general public.
5. Organizing advisory groups on critical and substantive issues requiring expertise and particularized knowledge.

The Cranston Opinion, like the Askew Opinion, hints at no criterion. Absent criteria, how would one know when Senator Cranston decided, as eventually he did, to become a candidate for President?

Meantime, under the Advisory Opinion, he was allowed to organize "advisory groups on critical and substantive issues ...", quite arguably no part of testing. No wonder dissenting FEC Commissioner Thomas E. Harris expressed the fear that FEC "will drown" as the testing exemption becomes broader and broader.

The General Counsel's argument with respect to the Cranston Opinion relies heavily upon the alleged fact that Senator Cranston "had not yet decided to become a candidate ..." GCB, page 7. This naturally is a sine quo non of any testing AOR. The question is not whether the requestor claims he has not yet become a candidate but rather whether there are criteria for testing the waters. Nobody except Mr. Robertson has enunciated criteria.

AO 1985-40 relates to former Senator Baker's presidential attempt. FEC approved a full scale operation except limited by a small mailing list. Again, there is no standard or criterion for testing.

The General Counsel does not cite AO 1979-26, CCH ¶5408 (June 18, 1979), involving then Representative Charles E. Grassley's senatorial exploratory activity. The purpose of the

committee therein is said to be "to get a pulse in the State of Iowa on the viability of Mr. Grassley's candidacy". Ibid, at 10,426. FEC pertinently advises that "... as long as funds received and payments made by the [committee] are received and spent exclusively for determining whether [Mr. Grassley] should become a Senate candidate, those funds would not presently ..." be reportable. Ibid, at 10,427. The analogy is clear--AFR received and spent funds exclusively to determine whether Mr. Robertson's required support would materialize.

The General Counsel also does not cite AO 1982-19, CCH ¶5669 (May 6, 1982), another Cranston Opinion, irrelevant except that the advisory groups referred to in AO 1982-3, activity #5, supra, candidly are characterized as follows:

While the advisory groups would not themselves be engaged in "testing the waters" activity ..." Op cit, at 10,876.

Thus, in the face of an admission that organized advisory groups are no part of a testing the waters effort, FEC approves them anyway. There was a dissent. Ibid, at 10,877.

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Not surprisingly, the General Counsel does not cite AO 1986-6, CCH ¶5849 (March 14, 1986), the well known Bush Opinion, approved 4-2.

In Bush, the FEC majority allows the Vice President and his committee to do everything they want to do, which includes the conduct of a nationwide presidential nomination campaign, under the novel guise of party building. Among the limitless and normal campaign activity allowed the Vice President's committee is the spending of money to elect Michigan precinct delegates--a phenomenon as political as one can imagine inasmuch as these delegates, supporting the Bush candidacy, then elect, through a somewhat Byzantine process, the seventy-seven Michigan Republican delegates.

It is no wonder the Bush Opinion prompted Commissioners John Warren McGarry and Thomas E. Harris to vote in the negative. The opening paragraph of the Harris dissent says it all:

In its rulings on unannounced presidential aspirants the Commission has, step by step, gotten itself into the absurd position that it refuses to acknowledge what everyone knows: that Vice President Bush is running for President and is financing his campaign through the Fund of America's Future, Inc. which he organized and controls. Vice President Bush

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did not invent this scheme; he is merely doing what others have done and are doing, with the Commission's sanction.

Although one must have doubt as to whether AO 1986-6 is sound law, nevertheless, it reflects a relatively recent FEC majority expression and must be treated as applicable. There can be no doubt if the Bush rationale is sound, allowing as it does for unlimited and boundless political campaigning, the circumscribed and singularly focused AFR/Robertson petition gathering activity surely fulfills the testing exemption.

Relying upon AO 1982-3, Cranston, the General Counsel argues that FEC "looks not only at the activity, but also at the context in which it occurs." GCB, page 8. This, of course, goes beyond the previously announced September 17, 1986 broadcast limitation. Be that as it may, the General Counsel urges applicability of the following, said to be the AO 1982-3 rule:

...[I]f any of the activities take place in the factual context indicating that the [individual] has moved beyond the deliberative process of deciding to become a candidate, and into the process of planning and scheduling public activities designed to heighten his political appeal to the electorate, then the activity would cease to be within the exemption, and candidacy would arise. GCB, page 8.

Admitting that "Mr. Robertson attempted to qualify his candidacy during the broadcast and surrounding events, including the direct mail solicitations," the General Counsel nonetheless contends that "the context" of the activities indicates "partisan political events outside the scope of the testing the waters exemptions". GCB, page 8.

Although bands played and several speakers extolled Pat Robertson's virtues, the fact remains that in the teleconference, as subsequently, Pat Robertson announced a clear criterion for testing the waters--three million indications of support. Hence, the General Counsel's conclusion is wholly erroneous-- that "Mr. Robertson's speech indicated he had already decided to seek the Republican nomination and merely was seeking affirmation of that decision and support for his candidacy." GCB, page 10.

Ignoring the fact that Pat Robertson is the only candidate to reveal his test measure, the General Counsel, also ignoring the only material evidence of record--Pat Robertson's repeated statements of intent, disingeniously concludes that Pat Robertson had made up his mind in advance and the entire exploratory effort was a sham. There is no substantial, or any

other probative, evidence to support the General Counsel's interpretation.

That Pat Robertson set aside one year to test the sea of support is no prohibited protracted period. Nothing in AO 1981-32, Askew, so suggests. If there is anything unusual in the twelve months period it is the fact that some 3.3 million indications of support could materialize in that period of time, not that the period of time was protracted against some undefined frame of reference.

The General Counsel argues, notwithstanding the disclaimers on AFR's mailings, that the mailings were too successful, and therefore constitute "general public political advertising designed not merely to determine the feasibility of a candidacy, but instead to promote a candidate and to raise funds to sustain an actual campaign effort." GCB, pages 11-12.

In the first place, the \$2.3 million raised fell short of covering the expenses of the teleconference announcement and related activities and by the conclusion of the exploratory period AFR was in debt--hardly the raising of "funds to sustain an actual campaign effort."

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The General Counsel does not define "general public political advertising" and neither does any regulation or advisory opinion. Whatever the definition, letters urging contributions to support a testing effort and explicitly defining the test, mailed through finite mailing lists, hardly constitute general public political advertising. Further, a mailing averaging only 3,678 addressees per congressional district is not a very extensive or politically significant mailing. A typical district has over 200,000 eligible voters.

#### V. Conclusion

Respondents AFR and Pat Robertson conducted a carefully circumscribed exploratory effort, during a predetermined time period, to test the waters according to a clear, authoritative and publicly announced standard. There was no vagueness, haze or ambiguity.

Every reasonable precaution was taken to emphasize the exploratory nature of the activity; to avoid commitment to a candidacy; to eschew ballot filings; and to disavow drafts and other candidacy attempts. Inadequate funds were raised for the exploration. No campaign fund was amassed. AFR wound up with



a debt. No authorized statement referred to a candidacy. No activity was conducted in close proximity to a pertinent election. The activity in light of the test standard was of remarkably brief duration.

FEC advisory precedents--and most dramatically, those in Bush, op cit--allow for more sweeping, extensive and direct activity than AFR/Pat Robertson envisioned, planned or executed.

The file in MUR 2262 should be closed.



MARION EDWYN HARRISON

Law Offices Marion Edwyn Harrison  
840 The Watergate  
2600 Virginia Avenue  
Washington, D.C. 20037  
(202) 965-0800

Counsel for Respondents  
M. G. (Pat) Robertson and  
Americans for Robertson, Inc.

January 29, 1988

mur22625

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

M. G. (PAT) ROBERTSON  
AMERICANS FOR ROBERTSON  
CBN CONTINENTAL  
BROADCASTING NETWORK, INC.]  
VICTORY COMMUNICATIONS  
INTERNATIONAL, INC. ]

MUR 2262

AFFIDAVIT OF R. MARC NUTTLE, ESQUIRE

R. Marc Nuttle, first sworn, deposes and says as follows:

1. At pertinent times material I was the chief consultant to Respondent Americans For Robertson, Inc. ("AFR"). As such I was familiar with the policy planning and policy operations of AFR. I am an experienced political consultant, having managed, consulted or advised presidential, senatorial and congressional campaigns; having worked with, and for, the Republican National Committee and other political entities; as well as being a practicing lawyer.

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2. AFR is a not-for-profit corporation organized and existing pursuant to the laws of the District of Columbia, incorporated July 21, 1986, specifically

to qualify, pursuant to the Federal Election Campaign Act of 1971, as amended (or corresponding provisions of subsequent federal election laws), as a committee to evaluate public and voter receptivity (commonly called "testing the waters", as that phrase is used in the regulations of the Federal Election Commission) as to the possible presidential candidacy of Marion G. Pat Robertson...

3. From its incorporation (July 21, 1986) until the Pat Robertson candidacy announcement (October 1, 1987), AFR functioned as an exploratory committee. During that time AFR neither undertook nor authorized any action which reasonably might be considered as (1) the relinquishing of AFR's exploratory committee status or function or (2) the triggering of a de facto or de jure candidacy.

4. The sole plan and function of AFR during that period of time was to test voter sentiment to determine whether at least three million voters between September 17, 1986 and September 17, 1987 would sign petitions urging Pat Robertson to

run for President. This exploratory effort was not geared to a political strategy--e.g., concentration in early primary states--but was broadbrush and nationwide, to accord voters wherever they lived the opportunity to sign a petition urging Pat Robertson to run by pledging prayer, work and donation.

5. Fundraising was directly and necessarily an element of petition availability. Funds were raised and used solely to publicize petition signing opportunities and to circulate petitions for signature to those who might sign them.

6. Pat Robertson as an "individual", and AFR as a committee, specifically did not:

(A) Use "general public political advertising to publicize [Pat Robertson's] intention to campaign ..."

To the contrary, AFR publicized Pat Robertson's intention not to become a candidate absent three million signatures. Pat Robertson individually repeatedly confirmed the condition precedent without which he would not run.

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(B) (1) Pat Robertson raised no funds. AFR raised funds solely to support the petition drive and actually raised some \$550,760.00 less than was required--and hence, "could reasonably be expected to be used"--"for exploratory activities ..."

(B) (2) Neither Pat Robertson nor AFR undertook "activities designed to amass campaign funds that would be spent" were Pat Robertson to become a candidate. In fact, AFR, as noted in ¶6 (B)(1), above, fell some \$550,760.00 short of raising adequate funds for testing the waters and, thus, amassed no campaign fund whatever.

(C) Pat Robertson neither made nor authorized "written or oral statements that refer to him ... as a candidate ..." AFR likewise neither made nor authorized any such statement.

(D) (1) Neither Pat Robertson nor AFR conducted "activities in close proximity to the election ..." The testing activity effectively concluded on September 17, 1987.

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(D) (2) Pat Robertson and AFR conducted exploratory activity from July 21, 1986 until September 17, 1986. The period from July 21 to September 17, 1986 essentially was organizational and preparatory. Twelve months to test a disparate nationwide electorate and to determine whether three million people would pledge support to a presidential candidacy is very short, not "protracted", in my extensive experience as a political manager/consultant/advisor. Dozens of political experts doubted that AFR could obtain such indications of support in only twelve months even if more than three million citizens might have wanted Pat Robertson to run. Three million is more than 25% of the entire 1980 Republican presidential primaries total vote. That is a extraordinary percentage actually to sign printed petitions pledging prayer, work and donation (or to sign any other kind of petition). AFR received some 3.3 million indications of support during the foregoing period.

(E) Neither Pat Robertson nor AFR took action "to qualify for the ballot..."

To the contrary, Pat Robertson repudiated all candidacy efforts on his behalf, including draft attempts.

7. Never before to my knowledge has an individual stated publicly, repeatedly and specifically what indication of support he must have or the form in which he must have it or the date by which he must have it if he is to run for federal office. Pat Robertson's conditions were clear, concise and authoritative. Both he and AFR publicized them over and again. I have no doubt Pat Robertson would not have become a candidate if his conditions had not been fulfilled.

Further Affiant sayeth not.

R. Marc Nuttle  
R. MARC NUTTLE

COMMONWEALTH OF VIRGINIA ]  
City of ~~Chesapeake~~ ]  
Virginia Beach ]

Subscribed and sworn to before me this 28<sup>th</sup> day of January, 1988.

Beverly Milner  
Notary Public

My commission expires April 14, 1989.

mur22622

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

M. G. (PAT) ROBERTSON  
AMERICANS FOR ROBERTSON  
CBN CONTINENTAL  
BROADCASTING NETWORK, INC.]  
VICTORY COMMUNICATIONS  
INTERNATIONAL, INC.]

MUR 2262

AFFIDAVIT OF MR. M. G. PAT ROBERTSON

M. G. Pat Robertson, first sworn, deposes and says as follows:

1. I am a candidate for the Republican nomination for President of the United States and a Respondent in MUR 2262.

2. I consented to the formation on July 21, 1986 of Americans For Robertson, Inc. ("AFR") as an exploratory committee.

3. On September 17, 1986 I announced that "if by September 17, 1987, one year from [then], three million registered voters have signed petitions telling me that they will pray, that they will work, and that they will give toward my election, then I will run ..."

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4. Many times from September 17, 1986 until September 17, 1987 I reaffirmed that any candidacy would require three million indications of support.

5. Many--perhaps most--of those people who urged me to run by so pledging are not Republican Party "regulars" or activists. Many are not even Republicans, but are independents or Democrats. Because I sensed this demography, I decided early on that my candidacy would not be viable without expressions of strong, widespread and dedicated support. I had no party patronage or other such comfort to offer. I had no political IOUs to collect. I was the outsider who, if he ran, would oppose candidates who had been elected, defeated and/or appointed in a Republican Party context.

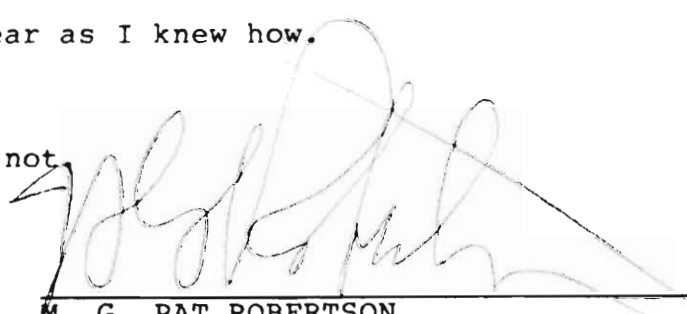
Therefore, I decided a minimum of two million pledges would be essential. Without them, I would know that those dedicated people who wanted me to run would not be enough in our huge, diversified pluralistic and heterogeneous society: too few votes and too little monetary support. In due course, after further study, reflection and prayer, I raised the requirement to three million because I wanted to have no doubt that there was an adequate statistical basis for a candidacy.

I felt strongly that if sufficient pledges were not forthcoming, I would serve America better by foregoing what in any event would need to be an unprecedented campaign of the people.

6. Consistent with my exploratory status--which may or may not have led to a candidacy--I continued as President and Chief Executive Officer of CBN Broadcasting Network and related companies; as a nationwide television broadcaster; and on the active roles as an ordained Baptist minister. Only after I became a candidate did I resign these positions.

7. There never was a question or doubt in my mind: absent three million pledges, I would not become a candidate. Tens of thousands of people before September 17, 1986 had urged me to "go for it". By September 17, 1986 I was ready--but only upon condition of the support within twelve months. I made my intent as public and as clear as I knew how.

Further Affiant sayeth not.



M. G. PAT ROBERTSON

State of Virginia                    ]  
  ]  
City of Virginia Beach            ]

Subscribed and sworn to before me this 29th day of January,  
1988.

Beverly Milner  
Notary Public

My commission expires April 14, 1989.

mur22624

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**HAND DELIVERED**

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FEDERAL ELECTION COMMISSION  
MAIL ROOM

**88 MAR 11 AM 9:36**

*QCC#6739*  
*- Ann 2262*

P. O. Box 1988  
Chesapeake, VA 23320  
(804) 523-1988



March 10, 1988

Federal Election Commission  
999 E. Street, N.W.  
Washington, D.C. 20463

Re: Americans for Robertson, Inc.

Dear Sir:

Americans for Robertson, Inc., #C00218214,  
hereby designates as its Counsel, to receive all  
communications:

Marion Edwyn Harrison, Esquire  
Law Offices Marion Edwyn Harrison  
840 The Watergate  
2600 Virginia Ave., NW  
Washington, D.C. 20037

Sincerely,

*Carol Simpson*

Carol Simpson  
Treasurer

**88 MAR 11 AM 10:01**

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL



**HAND DELIVERED**  
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FEDERAL ELECTION COMMISSION  
MAIL ROOM

88 MAR 28 AM 10:27

CCC # 8913  
- *Mar 2262*

P. O. Box 1988  
Chesapeake, VA 23320  
(804) 523-1988

March 25, 1988

Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: Americans For Robertson, Inc.

Dear Sir:

Americans For Robertson, Inc., #C00218214, hereby  
designates as its Counsel, to receive all communications:

Marion Edwyn Harrison, Esquire  
Law Offices Marion Edwyn Harrison  
840 The Watergate  
2600 Virginia Avenue, N.W.  
Washington, D.C. 20037

Sincerely,

FREDERICK H. SHAFER  
Treasurer

afr32

RECEIVED  
FEDERAL ELECTION COMMISSION  
88 MAR 28 PM 2:43

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BEFORE THE FEDERAL ELECTION COMMISSION

88 MAR 11 PM 3:27

In the Matter of )  
 )  
M.G. Robertson )  
Americans for Robertson, )  
Edward J. Whelan, as )  
treasurer )  
Victory Communications )  
International, Inc. )

MUR 2262

**SENSITIVE**  
**MAR 22 1988**  
**EXECUTIVE SESSION**

GENERAL COUNSEL'S REPORT

A. M.G. ("PAT") ROBERTSON AND AMERICANS FOR ROBERTSON

I. BACKGROUND

On March 10, 1987, the Commission found reason to believe that Marion G. ("Pat") Robertson had violated 2 U.S.C. § 432(e)(1) by failing to register as a candidate, and that Americans for Robertson and Edward J. Whelan, as treasurer, had violated 2 U.S.C. §§ 433 and 434 by failing to register and report. Pursuant to Commission instructions, the ensuing investigation focused upon a September 17, 1986, nationwide broadcast cited in the complaint filed by Harvey Furgatch which initiated this matter, and upon the issue of whether expenditures for that broadcast constituted "testing the waters" expenditures or expenditures made in support of a Robertson candidacy.

On November 23, 1987, the Office of General Counsel forwarded to counsel for respondents its brief which stated the intention of this Office to recommend a Commission finding of probable cause to believe that respondents had violated the above-cited statutory provisions. After requesting and receiving a 54 day extension of time in which to respond to the General

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Counsel's Brief, counsel for respondents submitted a reply brief on February 1, 1988, which has been forwarded to the Commission.

## II. ANALYSIS

As discussed in the General Counsel's Brief, the Commission's regulations governing testing-the-waters, at 11 C.F.R. § 100.7(b), include the following activities as those which would indicate a decision on the part of an individual to become a candidate: the use of general public political advertising to publicize an intention to campaign, the raising of funds in excess of exploratory needs or to amass campaign funds for use after candidacy has been established, the conduct of activity over a protracted period of time, and the making or authorization of statements referring to an individual as a candidate. In the present matter the recommendations anticipated in this Office's Brief are based upon the large scale of the public contact involved in the September 17, 1986, broadcast and the follow-up solicitation letters, the fact that more than \$2.3 million was raised as a result of the broadcast and follow-up letters, the protracted period of one year which Mr. Robertson established for receiving affirmations of support for his candidacy, and the content of the speeches at the September 17 event which this Office finds to be promotional of his candidacy rather than a testing of potential support. Given all of these factors taken together, this Office is of the opinion that these activities were not for testing the waters, but, rather, caused Mr. Robertson to exceed the threshold for candidate status.

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In his brief on behalf of the Respondents, counsel argues that at the September 17, 1986, event Mr. Robertson made clear his intent to become a candidate only under a specific condition, namely the receipt of three million pledges of support. Counsel argues that this condition established exactly what was to be tested and the "precise criteria" for judging the results. In asserted contrast, counsel states that Advisory Opinion 1981-32 and Advisory Opinion 1982-3, which are discussed in the General Counsel's Brief, contain no such criteria for determining when activity would go beyond testing the waters. Counsel also argues that Advisory Opinion 1986-6 allows "unlimited and boundless political campaigning" in contrast to the AFR/Robertson petition drive which was assertedly "circumscribed and singularly focused." Further, Counsel argues that the repeatedly stated conditions for a Robertson candidacy are "the only material evidence of record" on the issue of whether Mr. Robertson had made up his mind to run as of the date of the broadcast at issue.

Regarding the length of time established for receiving expressions of support, counsel argues that one year was not a "protracted time" for obtaining 3.3 million such indications. Counsel also argues that the raising of \$2.3 million fell short of covering expenses, and thus did not constitute "the raising of funds to sustain an actual campaign effort."

In his analysis of the advisory opinions cited above, counsel emphasizes the specific activities permitted by the Commission therein and discounts the accompanying discussions of context and intent deemed crucial by the Commission. For



example, as to Advisory Opinion 1981-32, counsel stresses that the Commission approved all fourteen activities described in the advisory opinion request, but relegates to "dicta" the condition established by the clause, "provided and only so long as [the potential candidate] in undertaking any single activity, or all the various activities, continues to deliberate his decision to become a presidential candidate for 1984, as distinguished from pursuing the activity as a means of seeking some affirmation or reinforcement of a private decision he has already made to be a candidate." Virtually identical qualifying language appears in Advisory Opinion 1982-3. Thus, the criteria for testing the waters activities set out by the Commission in these two opinions were not "open-ended" in the least. Rather, any activity was to be judged in the overall context of other activities and statements of the potential candidate and of his or her representatives.

In the present matter the conditional language employed by Mr. Robertson at the time of the broadcast must be viewed in the context of the number of persons reached by that broadcast (150,000), the number of persons solicited by means of the follow-up letters (over 1 million), the amount of funds received in response to the solicitations (\$2.3 million), the promotional language employed by others who took part in the broadcast, and the allocation of a year's time within which to receive the stipulated level of support. These factors point to an actual rather than a potential candidacy in scope and content. Mr. Robertson's reiteration of a specific condition precedent for his

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candidacy and the solicitation letter's disclaimer of such a candidacy are only two related aspects of the entire picture and are outweighed by the combination of the other factors cited above.

Further, the argument that the \$2.3 million raised did not cover the \$4.2 million in expenses related to the September 17 broadcast and thus cannot be viewed as funds amassed for campaign purposes goes only to the actual outcome of the broadcast and follow-up solicitation letters, not to their original intent. For example, the follow-up letter stated that Americans for Robertson had been authorized in order "to determine whether the people of America share my commitment." But it also stated, "You can successfully launch this campaign," "I'm stepping out on your behalf, believing that you are backing me up." (Attachment 1). Thus, the intent of the broadcast/solicitation letter was apparently two-fold - to meet testing-the-waters expenses and to accumulate funds for an actual campaign. They went beyond "urging contributions to support a testing effort" as asserted by counsel for Respondents.

In summary, this Office reiterates its position that the expenditures made by Americans for Robertson in connection with the September 17, 1986, broadcast and related direct mail solicitations did not come within the testing-the-waters exemptions at 11 C.F.R. § 100.7(b)(1) and thus caused Mr. Robertson to become a candidate pursuant to 2 U.S.C. § 431(2). Therefore this Office recommends that the Commission find probable cause to believe that M.G. ("Pat") Robertson

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violated 2 U.S.C. § 432(e) (1) and that Americans for Robertson, and Edward J. Whelan, as treasurer, violated 2 U.S.C. §§ 433 and 434 by failing to register and/or report within ten days of the date Mr. Robertson became a candidate\_ for Federal office.

**III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY**

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**B. VICTORY COMMUNICATIONS INTERNATIONAL, INC.**

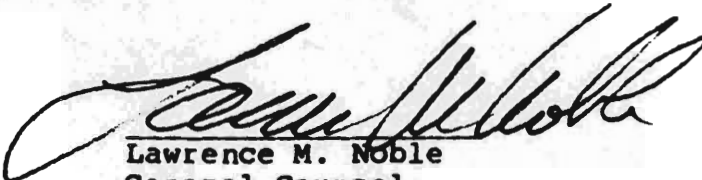
On March 10, 1987, the Commission voted to take no action at that time with regard to a recommendation of this Office that the Commission find reason to believe that Victory Communications International, Inc. might have violated 2 U.S.C. § 441b. No investigation was authorized regarding this respondent and no additional information regarding this respondent has been received relative to this Office's recommendation. Therefore,

this Office now recommends that the Commission close the file with respect to Victory Communications International. 1/

RECOMMENDATIONS

1. Find probable cause to believe M.G. ("Pat") Robertson violated 2 U.S.C. § 432(e)(1).
2. Find probable cause to believe Americans for Robertson and Edward J. Whelan, as treasurer, violated 2 U.S.C. §§ 433 and 434.
3. Close the file as it pertains to Victory Communications International, Inc.
4. Approve attached conciliation agreement and letters.

3/11/88  
Date

  
Lawrence M. Noble  
General Counsel

Attachments  
Solicitation Letter  
Conciliation Agreement  
Letters (2)

Staff Person: Anne A. Weissenborn

---

1/ This Office made a similar recommendation with regard to Christian Broadcasting Network, Inc. ("CBN"), and the Commission also voted in that instance to take no action at that time. Because any finding with regard to CBN would have been internally generated, no further action is now required of the Commission.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
M.G. Robertson )  
Americans for Robertson, ) MUR 2262  
and Edward J. Whelan, )  
as treasurer )  
Victory Communications )  
International, Inc. )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the  
Federal Election Commission executive session of April 12,  
1988, do hereby certify that the Commission decided by a vote  
of 6-0 to take the following actions in MUR 2262:

1. Find probable cause to believe M.G. ("Pat")  
Robertson violated 2 U.S.C. § 432(e)(1).
2. Find probable cause to believe Americans for  
Robertson and Edward J. Whelan, as treasurer,  
violated 2 U.S.C. §§ 433 and 434.
3. Close the file as it pertains to Victory  
Communications International, Inc.
- 4.
5. Approve the appropriate letters pursuant to the  
above actions.

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

Attest:

*Marjorie W. Emmons*

4-12-88

Date

Marjorie W. Emmons





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 28, 1988

Marion Edwin Harrison, Esquire  
840 The Watergate  
2600 Virginia Avenue, N.W.  
Washington, D.C. 20037

RE: MUR 2262  
M.G. (Pat) Robertson  
Americans for Robertson  
Edward J. Whelan, as  
treasurer

Dear Mr. Harrison:

On April 12, 1988, the Federal Election Commission found that there is probable cause to believe M.G. (Pat) Robertson, Americans for Robertson and Edward J. Whelan, as treasurer, violated 2 U.S.C. §§ 432, 433 and 434, provisions of the Federal Election Campaign Act of 1971, as amended, in connection with their respective failures to file a Statement of Candidacy, a Statement of Organization, and reports of receipts and expenditures in timely fashion.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within 10 days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a

98040725099

Letter to Marion Edwin Harrison, Esquire  
Page 2

meeting in connection with a mutually satisfactory conciliation agreement, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Conciliation Agreement

38040725100



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 28, 1988

Wallace L. Larson, Esquire  
Struckmeyer and Wilson  
910 East Osborn  
Phoenix, Arizona 85014

RE: MUR 2262  
Victory Communications  
International, Inc.

Dear Mr. Larson:

On October 15, 1986, the Federal Election Commission notified your client of a complaint alleging that Victory Communications International, Inc., had violated sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded at that time.

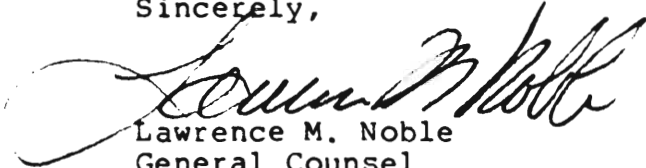
On March 10, 1987, the Commission voted to take no action at that time with respect to the recommendation of the Office of the General Counsel that the Commission find reason to believe that your client might have violated 2 U.S.C. § 441b(a). More recently, on April 12, 1988, the Commission voted to close the file with regard to your client.

This matter will become part of the public record within 30 days after the matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within ten days of your receipt of this letter. Please send such materials to the General Counsel's Office.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

If you have any questions, please direct them to Anne A. Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

  
Lawrence M. Noble  
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
FEDERAL ELECTION COMMISSION

88 DEC -2 PM 12:20

In the Matter of )

M.G. (Pat) Robertson )  
Americans for Robertson )  
Frederick H. Shafer, as treasurer )

MUR 2262

**SENSITIVE**

GENERAL COUNSEL'S REPORT

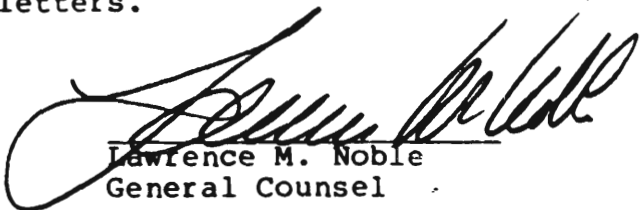
I. BACKGROUND

Attached is a conciliation agreement which has been signed by counsel on behalf of M.G. (Pat) Robertson, Americans for Robertson and Frederick H. Shafer, as treasurer.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with M.G. (Pat) Robertson, Americans for Robertson and Frederick H. Shafer, as treasurer.
2. Close the file in this matter.
3. Approve the attached letters.

12/2/88  
Date

  
Lawrence M. Noble  
General Counsel

Attachments

1. Conciliation Agreement
2. Letter to Respondents
3. Letter to Complainant

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

M.G. (Pat) Robertson )

Americans for Robertson )

Frederick H. Shafer, as treasurer )

MUR 2262

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 7, 1988, the Commission decided by a vote of 4-0 to take the following actions in MUR 2262:

1. Accept the conciliation agreement with M.G. (Pat) Robertson, Americans for Robertson and Frederick H. Shafer, as treasurer, as recommended in the General Counsel's report signed December 2, 1988.
2. Close the file in this matter.
3. Approve the letters, as recommended in the General Counsel's report signed December 2, 1988.

Commissioners Aikens, Elliott, McDonald and McGarry voted affirmatively for the decision;  
Commissioners Josefiak and Thomas did not vote.

Attest:

12/7/88

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in the Office of Commission Secretary: Fri., 12-2-88, 12:20  
Circulated on 48 hour tally basis: Mon., 12-5-88, 11:00  
Deadline for vote: Wed., 12-7-88, 11:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

December 12, 1988

(202)

Harvey Furgatch  
c/o Time for Living  
5075 Shoreham Place  
San Diego, CA 92138-5285

RE: MUR 2262  
M.G. (Pat) Robertson  
Americans for Robertson  
Frederick H. Shafer,  
as treasurer  
CBN Continental Broadcasting  
Network, Inc.  
Victory Communications  
International, Inc.

Dear Mr. Furgatch:

This is in reference to the complaint which you filed with the Federal Election Commission on October 8, 1986, alleging violations of the Federal Election Campaign Act ("the Act") by Americans for Robertson, CBN Continental Broadcasting Network, Inc., and Mr. M.G. (Pat) Robertson as president, and Victory Communications International, Inc.

After conducting an investigation in this matter, the Commission, on April 12, 1988, found probable cause to believe that M.G. (Pat) Robertson had violated 2 U.S.C. § 432(e)(1) and that Americans for Robertson and Edward J. Whelan, as treasurer, had violated 2 U.S.C. §§ 433 and 434. Earlier, March 10, 1987, the Commission had found no reason to believe that CBN Continental Broadcasting Network, Inc., and M.G. (Pat) Robertson as president had violated the Act, and had determined to take no action at that time with respect to Victory Communications International, Inc. On April 12, 1988, the Commission voted to close the file as to Victory Communications International, Inc.,

On December 7, 1988, a conciliation agreement signed on behalf of M.G. (Pat) Robertson, Americans for Robertson and Frederick W. Bassinger, now treasurer, was accepted by the Commission, thereby concluding this matter. Accordingly, the Commission closed the file in this matter on December 7, 1988. A copy of the agreement is enclosed for your information.

98040725104



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 12, 1988

Marion Edwyn Harrison, Esquire  
840 The Watergate  
2600 Virginia Avenue, N.W.  
Washington, D.C. 20037

RE: MUR 2262  
M.G. (Pat) Robertson  
Americans for Robertson  
Frederick H. Shafer,  
as treasurer

Dear Mr. Harrison:

On December 7, 1988, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. §§ 432(e)(1), 433 and 434, provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation agreement will not become public without the written consent of the respondents and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble  
General Counsel

Enclosure  
Conciliation Agreement

98040725103

26C#1181

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

M. G. (PAT) ROBERTSON  
AMERICANS FOR ROBERTSON  
CBN CONTINENTAL  
BROADCASTING NETWORK, INC.  
VICTORY COMMUNICATIONS  
INTERNATIONAL, INC.

MUR 2262

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RECEIVED  
FEDERAL ELECTION COMMISSION

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn and notarized complaint by Mr. Harvey Furgatch. The Federal Election Commission ("Commission") investigated and found probable cause to believe that M. G. (Pat) Robertson ("Mr. Robertson") violated 2 USC §432(e)(1) and that Americans For Robertson, Inc. ("AFR") and its Treasurer violated 2 USC §§433 and 434.

NOW, THEREFORE, the Commission and Respondents, having entered into conciliation pursuant to 2 USC §437g(a)(4)(A)(i), hereby agree as follows:

I. The Commission has jurisdiction over Respondents and the subject matter.

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II. Respondents have had an opportunity to demonstrate that no action should be taken in this matter.

III. Respondents voluntarily enter this Agreement.

IV. The pertinent facts are as follows:

1. Respondent Mr. Robertson was a candidate during the period September 17, 1986--May 13, 1988 within the meaning of 2 USC §431(2).

2. Respondent AFR is a political committee within the meaning of 2 USC §431(4) and is the authorized committee of Mr. Robertson.

3. Mr. Edward J. Whelan was Treasurer of AFR all times material and until November 6, 1982.

4. Respondent Frederick H. Shafer presently is Treasurer of AFR.

5. On October 15, 1987 Mr. Robertson filed a Statement of Candidacy.

6. On October 15, 1987 AFR filed its Statement of Organization and its first report of financial activity, the latter covering the period July 21, 1986 to September 30, 1987.

7. 2 USC §432(e)(1) requires that a candidate for federal office designate a political campaign committee within fifteen days of becoming a candidate.

8. 2 USC §431(2) defines "candidate" to mean an individual who is seeking nomination for election, or election, to federal office. 2 USC §431(2)(A) and (B) define "seek[ing] nomination" to mean that an individual has received contributions in excess of \$5,000.00 or made expenditures in excess of \$5,000.00 or has given consent to another to receive contributions or to make expenditures in excess of \$5,000.00 together with the receipt or the making of such contributions or expenditures.

9. 2 USC §433 requires each authorized campaign committee to file a statement of organization no later than ten days after designation by the candidate pursuant to 2 USC §432(e)(1).

10. 2 USC §434 requires the principal campaign committee of a candidate for the Office of President to file reports of financial activity with the Commission in a timely manner.

11. 11 CFR §100.7(b) and 11 CFR §100.8(b) exclude from the definitions of "contribution" and "expenditure" funds which are received and expended solely to determine whether an individual should become a candidate. These exemptions expressly do not apply to funds received or expended for activities indicating an individual has decided to become a candidate or for campaign activities.

12. On September 17, 1986, at Constitution Hall, Washington, D.C., AFR sponsored a teleconference broadcast which was transmitted by satellite to 215 additional locations throughout the United States. Approximately 150,000 persons were present at the 216 locations.

13. AFR made expenditures in excess of \$4 million in connection with the September 17, 1986 broadcast.

14. Said broadcast consisted, among other things, of numerous individuals declaring support for the candidacy of

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Mr. Robertson for President and a thirty-minute speech by Mr. Robertson. In his speech Mr. Robertson stated that if by September 17, 1987 three million registered voters had signed petitions on his behalf and otherwise demonstrated their support, he would become a candidate.

15. In conjunction with the September 17, 1986 broadcast, AFR caused to be mailed two fundraising letters and an invitation/thank you letter package which were sent to a total of 1.6 million recipients.

16. The fundraising letter sent after the broadcast stated that a contributor could claim a tax credit for a contribution of \$50.00 to a candidate against the contributor's 1986 federal income tax bill.

17. AFR reported receipt of more than \$2.3 million as a result of the September 17, 1986 event and the related direct mail program.

V. The context and content of the September 17, 1986 broadcast and of the related direct mail program went beyond the testing of the feasibility of a campaign and therefore

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exceed the scope of the exemptions established at 11 CFR §100.7(b) and §100.8(b).

VI. In that AFR made expenditures in excess of \$5,000 in connection with the September 17, 1986 broadcast and related direct mail program, Mr. Robertson become a candidate for the Office of President approximately one year earlier than the date on which he filed his Statement of Candidacy.

VII. Mr. Robertson failed to file a Statement of Candidacy in a timely fashion in violation of 2 USC §432(e)(1).

VIII. AFR was required to file a Statement of Organization approximately one year earlier than the date upon which AFR filed such a statement.

IX. AFR and Edward J. Whelan, then Treasurer, failed to file a Statement of Organization in a timely fashion in violation of 2 USC §433.

X. AFR was required to file reports of financial activity beginning at least with the 1986 Year End Report.

XI. AFR and Edward J. Whelan, then Treasurer, failed to file reports in a timely fashion in violation of 2 USC §434.

XII. Respondents will pay a civil penalty to the Commission in the amount of Twenty-Five Thousand Dollars, pursuant to 2 USC §437g(a)(5)(A), as follows:

1. One initial payment of \$4,166.70 due by January 1, 1989;

2. Thereafter, beginning February 1, 1989, five consecutive monthly installment payments of \$4,166.66 each;

3. Each such installment shall be paid on the first day of the month in which it becomes due.

4. In the event that any installment payment is not received by the Commission by the fifth day of the month in which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to Respondents. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a

waiver of its right to do so with regard to future overdue installments.

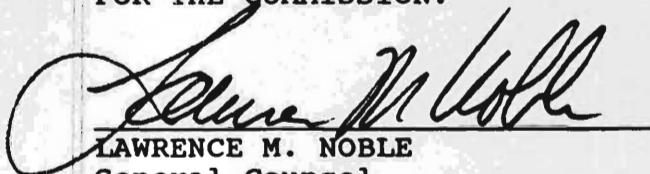
XIII. The Commission, upon request of anyone filing a complaint under 2 USC §437g(a)(1) concerning the matters at issue herein or upon its own motion, may review compliance with this Agreement. If the Commission believes that this Agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

XIV. This Agreement shall become effective as of the date that the parties have executed, and the Commission has approved, the Agreement.

XV. This Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this Agreement shall be enforceable.

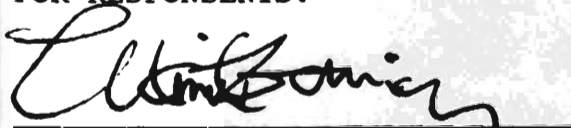
03040725113

FOR THE COMMISSION:

  
LAWRENCE M. NOBLE  
General Counsel

12/12/88  
Date

FOR RESPONDENTS:

  
MARION EDWYN HARRISON  
Counsel for AFR and Frederick H.  
Shafer, as Treasurer, AFR

11/22/88  
Date

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83040725114





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 23, 1988

Richard Mayberry, Esquire  
888 16th Street, N.W.  
Washington, D.C. 20006

RE: MUR 2262  
M.G. (Pat) Robertson  
Americans for Robertson  
Frederick H. Shafer,  
as treasurer

Dear Mr. Mayberry:

Reference is made to the letter from this Office to your client, Mr. Harvey Furgatch, dated December 12, 1988, in which he was informed that a conciliation agreement had been signed in MUR 2262 and the file closed. In that letter there was an error in the third paragraph with regard to the name given for the present treasurer of Americans for Robertson. Frederick H. Shafer is the treasurer. We apologize for any inconvenience this may have caused.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence M. Noble".

Lawrence M. Noble  
General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2262

DATE FILMED 12/30/88 CAMERA NO. 4

CAMERAMAN AS

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6/4/89



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

THE FOLLOWING MATERIAL IS BEING ADDED TO THE FILE IN

MUR 2262

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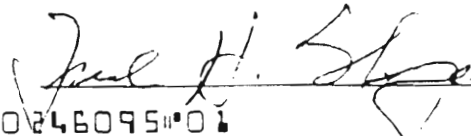
3197

**AMERICANS FOR ROBERTSON**2127 SMITH AVENUE  
CHESAPEAKE, VA 23320COMMERCE BANK  
CHESAPEAKE, VA 23320  
68-426-514 - 30

2/24/89

PAY TO THE ORDER OF FEDERAL ELECTION COMMISSION\$ 4,100.00Four Thousand One Hundred Sixty-Six and 00/100\*\*\*\*\* DOLLARSMEMO  
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FEDERAL ELECTION COMMISSION  
999 E STREET N.W.  
WASHINGTON, D.C. 20460  
SLIP #MUR 2262

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MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CECILIA LIEBER

FROM: CECILIA LIEBER

FROM: DEBRA A. TRIMIEW

CHECK NO. 3197 { A COPY OF WHICH IS ATTACHED } RELATING TOMUR 2262 AND NAME M.G. (PAT) Robertson Americans For Robertson  
(Weissenborn) CBN Continental Broadcasting Network, Inc.  
WAS RECEIVED ON 3/1/89 Victory Communications International, Inc. PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

/	/	BUDGET CLEARING ACCOUNT	{ 95F3875.16 }
/	✓	CIVIL PENALTIES ACCOUNT	{ 95-1099.160 }
/	/	OTHER	

SIGNATURE

Debra A. TrimiewDATE 3/2/89



FEDERAL ELECTION COMMISSION  
WASHINGTON D C 20463

✓ 26 April 1989

THE FOLLOWING MATERIAL IS BEING ADDED TO THE FILE IN

MUR 2262

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3 7 0 4 0 7 4 5 2 9 8

1822

**AMERICANS FOR ROBERTSON, INC.**2127 SMITH AVENUE  
CHESAPEAKE, VA. 23320Pay to the  
Order ofFEDERAL ELECTION COMMISSION\$4,166.66FOUR THOUSAND ONE HUNDRED SIXTY-SIX & 66/100

Dollars

**Central  
Fidelity****Central Fidelity Bank**  
Virginia Beach, Virginia 23450

For

MUR 2262

Signed

June H. Shiga

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OGC 2350

**CLOSED**MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CECILIA LIEBER

FROM: CECILIA LIEBER

FROM: DEBRA A. TRIMIEW

CHECK NO. 1822 { A COPY OF WHICH IS ATTACHED } RELATING TOMUR 2262

AND NAME

M.G. (PAT) Robertson, Americans for Robertson  
CBN Continental Broadcasting Network, Inc.  
Victory Communications International, Inc.

WAS RECEIVED ON

4/3/89

PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

/	/	BUDGET CLEARING ACCOUNT	{ 95F3875.16 }
/	✓	CIVIL PENALTIES ACCOUNT	{ 95-1099.160 }
/	/	OTHER	

SIGNATURE

Debra A. Trimiew

DATE

4/4/89



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, DC 20463

Date: 10/13/94

☒ Microfilm  
☐ Public Records  
☐ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED NUR 2262

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America. My name is Randall Brooks and I starred in Annie for two years on Broadway. I was also the national honorary chairman for Youth for Reagan in 1980 and 1984. When I was only ten years old I was playing in Annie on Broadway where both the pleasures and the stresses of show business are starkly real for youngsters. I met many people from all over the world, but it was Dr. Robertson who made me understand that my performance as a person would always be more important than anything I could do on stage. He shared with me a positive vision of my opportunities as a young woman, who could meet spiritual and intellectual challenges with faith and true values, and develop not only knowledge but wisdom, with which to deal the issues which are facing my generation. When I left Broadway after almost 700 performances, I felt that I had reached the heights, but I found myself with a much more exciting role, as part of the great Reagan revolution, traveling with the President and the Vice President, telling young people about the wonderful high of a life without drugs. And in the last few years of my travels, I have seen a deeper change; feeling young people with new hope and with new spirituality. As a young person, I am more interested in principles than in politics and less interested in a man's profession than in what he professes. Before the Reagan revolution, our nation suffered a blind spot, while its youth were being led down the path of false freedoms. Now, my generation is on its knees pleading to be released from these false promises, which have led not to freedom but to bondage, to

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