



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4180

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN JMN

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JAN 19 2 21 PM '95

January 12, 1995

MUR 4180

Office of General Counsel
Federal Election Commission
999 E. Street N.W.
Washington D.C. 20463

Subject: Coral Ridge Ministries
(Congressional Election 1994)

COMPLAINT

Now comes complainant Gregory N. Austin and swears to the following:

That Coral Ridge Ministries of Ft. Lauderdale, Florida, appears to be an arm of the Conservative Republican Party for the purposes of:

1. Influencing voters by distributing political propaganda given them by Republican sources to be disseminated to the public. (The Dick Armey news release of October 7, 1994 was attached to the respondent's letter to the complainant, also dated October 7, 1994).

- a. Rev. James Kennedy of Coral Ridge condemns President Bill Clinton during sermons. (I am not questioning First Amendment rights--I am questioning preferred tax positions and fairness.)
- b. Senator Jesse Helms and President Ronald Reagan have appeared on past television broadcasts for Coral Ridge Ministries, soliciting funds to underwrite that ministry. (I am questioning tax preferred status and fairness.)

It is very important for the commission to realize that I personally do not care who Coral Ridge supports politically in any given election.

My complaint is over the fact that the respondent is in a tax advantaged position, but uses that position to vigorously promote Conservative Republicans. Evidence, (which can be proven by fax records and invoices--from and to Republican sources), points to Coral Ridge allowing their church facility to be used as a distribution center and staging area to promote Republican political and election propaganda.

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The complainant prays for a thorough examination of the allegations, because questions of fairness appear to be at risk over the relationship of Coral Ridge Ministries to the Republican party, in the opinion of the complainant. "We are a country of laws and not of men..."

(Please forgive my personal scribbles on the two attached exhibits, which were done within days of receiving the documents and before realizing they would indeed constitute exhibits.)

Respectfully submitted,


Gregory N. Austin
6110 Winans Dr.
Brighton, Mi. 48116-5122

tel: 1-810-231-2715 (res)
1-810-553-7570 (bus)
1-810-553-8320 (fax)

Exhibits attached:
10-7-94 Rev. Kilpatrick Letter
10-7-94 Dick Armey News Release



WALTER W. PHILLIPS
NOTARY PUBLIC - WAYNE COUNTY, MI
MY COMMISSION EXPIRES 05/15/99

CERTIFIED MAIL RETURN RECEIPT REQUESTED

30474501

CORAL RIDGE MINISTRIES

October 7, 1994

Mr Gregory N Austin
6110 Winans Drive
Brighton, MI 48116-5122

Dear Gregory,

Thank you for your letter of July 14, 1994 concerning the evidence for a diminished deficit in the Federal budget and Dr Kennedy's July 4th message in Alabama. The projections for the next three years that were reported in the news articles you enclosed were indeed encouraging if they indeed pan out. I will contact the Office of Management and Budget and track the progress. I am curious about how much of the lower deficit is due to "off line" budget items and how much is due to Government borrowing from Social Security and other funds.

I am enclosing a complimentary copy of Larry Burkett's updated The Coming Economic Earthquake. Revised and Expanded for the Clinton Agenda. The chapters titled "The Growth of Debt" and "Government Debt" continue to depict a dark scenario. He would be an excellent source to check with as the story continues to unfold. Larry Burkett may be reached at
Christian Financial Concepts
P O Box 2377
Gainesville, GA 30503-2377

I will be happy to send you any further information as it becomes available on this issue.

Regarding Dr Kennedy's comments regarding the Clinton Presidency, I am sure from past experience that he respects and upholds the Executive Office while differing with many of the unbiblical policies that the present and past office holders have held. [He concurs that we must pray for and honor those that God has placed in leadership positions (Romans 13) and yet be diligent to decry the ungodly positions that they espouse.]

Thank you for your expression of concern and the news clippings that you enclosed.

Sincerely,

Rev Ron Kilpatrick
Manager of Research

The Television Outreach of
D. James Kennedy, Ph.D. and
Coral Ridge Ministries

5555 N. Federal Highway

Fort Lauderdale, Florida

33308

(305) 772-0408

FAX (305) 772-6031

1993 -
Lower than projected
\$ 258 Million
300 Million
surplus 45 surplus
290 Million unified
340 - 90 budget
H 50 off budget

on 800
off budget
SS. and
P. Office
"surplus"
on S.S.
on deficit

Person
Actual cuts
increased account
spending going up
AT + showing
Rate

G.D.P.

Colony 91
6.7 trillion 100
Fiscal 66
95 7140 per

INCREASED GROWTH

PATRICK LOCKE

BUDGET
ANALYST

AS REPORT OF LEARNING

MID-SESSION REVIEW

500
DEFICIT 220 Billion
274 on budget
54 off budget surplus

1995
DEFICIT UNIFIED
167
on budget 229
OFF surplus 62 Billion

304 745022



DICK ARMEY

News Release

WASHINGTON, D.C. 20515

FOR IMMEDIATE RELEASE
October 7, 1994

CONTACT: Ed Gillespie
202/225-5107

*I address m.d.
Gillespie sur
when deficits
are projected to
swell and his
answer - IN THE
YEAR 2000!
So we have more
market economy*

Clintonomics: Rich Got Richer, Poor Got Poorer

Armey Comments on New Income Data

Rep. Dick Armey (R-TX) released the following statement on the latest Census data showing declining median incomes:

President Clinton is right about having a big impact on the economy. In Year One of Clintonomics, taxes went up, middle class incomes went down, interest rates went up, poverty went up, and the forgotten middle class got smaller. That's an impressive amount of damage in just one year.

Last year's 1.9 percent plunge in median income means the White House can no longer pretend its policies are moving the country forward. The President who came into office promising more fairness and a middle-class tax cut gave the middle class less fairness, higher taxes, and lower incomes. These numbers indicate he may be kicking away the recovery he inherited.

And with the top fifth of Americans' share of total income jumping from 46.9 percent to 48.2 percent, while the bottom fifth fell from 3.8 percent to 3.6 percent. Economic projections have been revised downward, and deficits are projected to swell. President Clinton has actually managed to do what Ronald Reagan was only accused of doing: make the rich richer and the poor poorer. If "staying the course" means more bad years like 1993, I think maybe the American people will be amenable to changing course.

U.S. Census

*U.S. Census
1-301-263-4040
763-763
SEPTEMBER
1-202-492-2000*

*COMMITTEE
ON
HOUSE*

A 709

INCOME

JAN TO DEC

91

30

301 / 450 3



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 1, 1995

Gregory N. Austin
6110 Winans Drive
Brighton, MI 48116-5122

RE: MUR 4180

Dear Mr. Austin:

This letter acknowledges receipt on January 19, 1995, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4180. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

February 1, 1995

William C. Stephens, Registered Agent
Coral Ridge Presbyterian Church, Inc.
2130 N.E. 60th Street
Ft. Lauderdale, FL 33308

RE: MUR 4180

Dear Mr. Stephens:

The Federal Election Commission received a complaint which indicates that Coral Ridge Presbyterian Church, Inc. (f/k/a Coral Ridge Ministries) 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 4180. 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 Coral Ridge Presbyterian Church, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

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If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

9804074506

Bird & Myers

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1150 MONARCH PLAZA

3414 PEACHTREE ROAD, NORTHEAST

ATLANTA, GEORGIA 30326

(404) 264-9400

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*ADMITTED IN GEORGIA, FLORIDA
ALABAMA AND CALIFORNIA
*ADMITTED IN GEORGIA AND MICHIGAN
*ADMITTED IN GEORGIA AND SOUTH CAROLINA
*ADMITTED IN GEORGIA, ALABAMA,
NEBRASKA AND SOUTH CAROLINA

February 14, 1995

Via Overnight Courier
and Certified Mail #Z070536868

Federal Election Commission
Attention: Ms. Alva E. Smith
999 E. Street N.W.
Washington, D.C. 20463

RE: Matter Under Review 4180

Dear Ms. Smith:

We are writing on behalf of Coral Ridge Presbyterian Church, Inc. regarding Matter Under Review 4180. A Statement of Designation of Counsel will be sent to you shortly.

On February 10, 1995, Coral Ridge Presbyterian Church, Inc. received a letter from the Federal Election Commission dated February 1, 1995, regarding MUR 4180. As we discussed in our telephone call of February 14, 1995, we are writing to confirm that the response of Coral Ridge Presbyterian Church, Inc. is due February 25, 1995 (15 days after receipt of the Federal Election Commission's letter).

Please direct future notices and correspondence to Coral Ridge Presbyterian Church, Inc. to:

Mr. William C. Stephens
Coral Ridge Presbyterian Church, Inc.
5555 North Federal Highway
Fort Lauderdale, Florida 33308

Please also direct a copy of future notices and correspondence to our firm at the address listed above.

Thank you for your assistance.

Sincerely,



Wendell R. Bird
Attorney at Law



Harvey Koning
Attorney at Law

cc: Dr. D. James Kennedy
Mr. William C. Stephens
Mr. Ronald J. Kovack

FEB 15 11 38 AM '95

FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

Bird & Myers

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1150 MONARCH PLAZA
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(404) 264-9400

TELESCOPIER: 404 264-9731

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DAVID J. MYERS
TIMOTHY W. TOWNSEND
HARVEY KONING
CHRISTOPHER J. MCKEE
OF COUNSEL
RUSSELL P. REACH
THOMAS O. KOTOUCH

ADMITTED IN GEORGIA, FLORIDA,
ALABAMA, AND CALIFORNIA
ADMITTED IN GEORGIA AND MICHIGAN
ADMITTED IN GEORGIA AND SOUTH CAROLINA
ADMITTED IN GEORGIA, ALABAMA,
NEBRASKA AND SOUTH CAROLINA

February 16, 1995

FEB 17 12 20 PM '95
FEDERAL ELECTION
COMMISSION
OFFICE

Via Overnight Courier
and Certified Mail #P014188249

Federal Election Commission
Attention: Ms. Alva E. Smith
999 E. Street N.W.
Washington, D.C. 20463

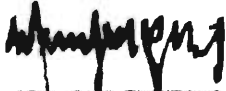
RE: Matter Under Review 4180

Dear Ms. Smith:

Enclosed is a signed original of the Statement of Designation of Counsel with regard to MUR 4180. We would appreciate your addressing a copy of future notices and correspondence to our firm at the address listed on the Statement of Designation of Counsel.

Thank you for your assistance.

Sincerely,



Wendell R. Bird
Attorney at Law



Harvey Koning
Attorney at Law

enclosure: Statement of Designation of Counsel

cc: Mr. William C. Stephens
Mrs. Joanne L. Kahlke

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STATEMENT OF DESIGNATION OF COUNSEL

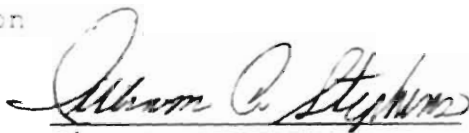
MUR 4180

NAME OF COUNSEL: Firm name: Bird & Myers Individuals: Wendell R. Bird
1150 Monarch Plaza Timothy Townsend
ADDRESS: 3414 Peachtree Road, N.E. Harvey Koning
Atlanta, Georgia 30326
TELEPHONE: 404-264-9400

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

2/15/95

Date



Signature
William C. Stephens
Registered Agent



Signature
Joanne Kahlke
Assistant Director

RESPONDENT'S NAME: Coral Ridge Presbyterian Church, Inc.

ADDRESS: 5555 North Federal Highway
Ft. Lauderdale, Florida 33308

HOME PHONE: 305-772-0404

BUSINESS PHONE: 305-772-0404

FILED 17 20 11 1995
FEDERAL BUREAU OF
INVESTIGATION
COMMUNICATIONS
SECTION

2604 / 450 / 9

Bird & Myers

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*ADMITTED IN GEORGIA AND SOUTH CAROLINA
*ADMITTED IN GEORGIA, ALABAMA,
NEBRASKA AND SOUTH CAROLINA

February 23, 1995

FEB 21 1 42 PM '95

FEDERAL ELECTION
COMMISSION
OFFICE OF THE
CLERK

Via Overnight Courier, Telefax
and Certified Mail

Federal Election Commission
Attention: Ms. Mary L. Taksar, Attorney
999 E. Street N.W.
Washington, D.C. 20463

RE: Matter Under Review 4180 / Confidential Response on behalf of Coral Ridge

Dear Sir or Madam:

We are writing on behalf of Coral Ridge Presbyterian Church, Inc. regarding Matter Under Review 4180. A Statement of Designation of Counsel has previously been sent to you (a copy is enclosed with this letter).

MUR 4180 involves a complaint dated January 12, 1995 (the "Complaint"), submitted to the Federal Election Commission ("Commission") by Mr. Gregory N. Austin.

We would like to preface our response by observing that Coral Ridge is aware of and takes very seriously its responsibility to comply with applicable laws and regulations, including the Federal Election Campaign Act and the Internal Revenue Code. Coral Ridge believes that its past and present activities have been and continue to be in compliance with the law.

Coral Ridge's response can be summarized as follows: Coral Ridge has not made contributions or expenditures in violation of federal law and has not expressly advocated the election or defeat of a clearly identified candidate. Coral Ridge does advocate positions on issues important to its members and supporters, but does not advocate the election or defeat of particular persons to elective office. The Complaint's factual assertions are not accurate and do not support the Complaint's allegations concerning Coral Ridge. Coral Ridge respectfully requests that the Commission decide not to pursue this matter based on the facts of the situation and the applicable laws and regulations.

Our response begins with some brief background information on Coral Ridge, followed by a point by point refutation of the Complaint's assertions based on the facts and applicable legal standards.

I. Brief Description of Coral Ridge Presbyterian Church, Inc.

Coral Ridge Presbyterian Church, Inc., is a Florida corporation that engages in a variety of Christian ministries. Coral Ridge is a congregation that is part of the old national denomination named the Presbyterian Church in America and conducts weekly worship services at its Fort Lauderdale, Florida facility.

In addition to worship services and Sunday school and other ministries common to many Christian churches, Coral Ridge is involved in the production of a weekly television broadcast called "The Coral Ridge Hour" which is broadcast on approximately 300 television stations throughout the United States. A typical Coral Ridge Hour broadcast begins with a sermon, followed by inspirational stories of individuals or an examination of issues important to Coral Ridge and its members, and concludes with an appeal for gifts to fund the cost of the broadcast and other ministries.

Effective September 30, 1994, Coral Ridge conducted a reorganization, which essentially transferred the broadcast ministry to a separate Florida nonprofit corporation, Coral Ridge Media Ministries, Inc. ("CRMM"). Coral Ridge continues to operate as a church, while CRMM has assumed the functions of preparing and carrying out broadcasts of the Coral Ridge Hour and related media ministries. Both Coral Ridge and CRMM are recognized by the IRS as tax-exempt organizations pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

II. Applicable Legal Standards.

2 U.S.C. § 441(b) prohibits corporate "contributions or expenditures in connection with any election to political office" An expenditure must constitute "express advocacy" in order to be subject to the prohibition, according to the Supreme Court in Federal Election Commission v. Massachusetts Citizens For Life, Inc., 479 U.S. 238 (1986), and subsequent decisions. The "express advocacy" standard is also contained in proposed regulations promulgated by the Commission (11 C.F.R. § 109.1(b)(2)). We believe that the facts as described in this letter will demonstrate that Coral Ridge has not made contributions to candidates and is not engaged in expressly advocating the election or defeat of candidates. Even if the Commission were to apply its prior standards prohibiting "partisan communications" and contributions or expenditures "in connection with" any election, we believe that the facts demonstrate that Coral Ridge has not made any "partisan communication" or any expenditure "in connection with" an election.

Under the applicable court decisions and regulations, an explicit and unambiguous reference to a candidate must be mentioned in the communication for express advocacy to be present. The Supreme Court has stated that "express advocacy" depends on the use of language advocating election or defeat, such as "vote for," "elect," "support", "cast your ballot for", or "Smith for Congress." See Buckley v. Valeo, 424 U.S. 1 (1976), and Proposed Regulation 11 C.F.R. § 109.1(b)(2). Coral Ridge has not expressly advocated the election or defeat of any candidate and has not used language of the type described by the Supreme Court.

Therefore we respectfully request that the Commission conclude that Coral Ridge has not violated the prohibitions contained in the Federal Election Campaign Act of 1971, as amended, and conclude that no further investigations or proceedings are necessary.

III. Coral Ridge's Activities Do Not Violate the Federal Election Laws.

Coral Ridge has not contributed funds to candidates nor has it spent funds or made communications that expressly advocate the election or defeat of a clearly identified candidate. Coral Ridge does advocate positions on issues important to its members and supporters, but does not advocate the election or defeat of particular persons to elective office.

The Complaint filed with the Commission by Mr. Greg Austin makes the following allegations:

1. Coral Ridge distributes "political propaganda" to the public.
2. The Senior Pastor of Coral Ridge "condemns President Bill Clinton during sermons."
3. Senator Jesse Helms and President Ronald Reagan have appeared on past television broadcasts for Coral Ridge, "soliciting funds to underwrite that ministry."
4. Coral Ridge vigorously promotes conservative Republicans and allows its facilities to be used as a "distribution center and staging area to promote Republican political and election propaganda."

Coral Ridge's responses to the Complaint, denying these allegations, are as follows:

1. *Coral Ridge does not distribute political propaganda.*

The Complaint's sole factual basis for this allegation is the fact that a News Release issued by U.S. Representative Dick Armey was included in a single letter from Coral Ridge dated October 7, 1994, addressed solely to Mr. Austin in response to a previous letter written by Mr. Austin. The News Release was on an issue about which Mr. Austin asked questions and was sent as an informative opinion on that issue. This single letter was not impermissible contribution express advocacy for or against a candidate for the following reasons:

- a. Coral Ridge did not make any monetary or in-kind contribution to Mr. Dick Armey;
- b. Coral Ridge did not expressly advocate the election or defeat of any candidate or official by sending the News Release to Mr. Austin;
- c. Coral Ridge did not communicate the News Release to the general public, but instead sent this information only to Mr. Austin, and then only in response to Mr. Austin's earlier request for verification of data disputed by Mr. Austin; and
- d. Coral Ridge did not and was not attempting to influence voters, as demonstrated by the fact that the news release was sent only to Mr. Austin. Based on Mr. Austin's correspondence provided to the Commission, Coral Ridge clearly has no influence over Mr. Austin, the only person to whom the news release was sent, and then only in response to Mr. Austin's previous letter.

The news release enclosed in that single letter to Mr. Austin dealt with issues such as taxes, the deficit and median incomes of Americans. Advocacy of issues is protected by the First Amendment to the U.S. Constitution, and this protection formed the basis for the "express advocacy" standard required by the Supreme Court's decision in FEC v. Massachusetts Citizens For Life. Even if sending this news release to Mr. Austin rises to the level of issues

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advocacy, it does not advocate the election or defeat of Mr. Arney, Mr. Clinton or any other candidate. The news release certainly did not unambiguously advocate the election or defeat of a clearly identified candidate and therefore complied with 11 C.F.R. sec. 109.1(b)(2).

2. *Alleged Condemnation of President Clinton during Sermons.*

Coral Ridge does not expressly advocate the election or defeat of President Clinton or any other identified candidate. Complainant provides no factual support for his statement that Dr. Kennedy of Coral Ridge "condemns President Bill Clinton during sermons."

Coral Ridge's position is well summarized in its letter to Mr. Austin dated October 7, 1994, a copy of which was included as an exhibit to the Complaint:

"Regarding Dr. Kennedy's comments regarding the Clinton Presidency, I am sure from past experience that he respects and upholds the Executive Office while differing with many of the unbiblical policies that the present and past office holders have held. He concurs that we must pray for and honor those that God has placed in leadership positions (Romans 13) and yet be diligent to decry the ungodly positions that they espouse."

Consistent with its First Amendment rights, Coral Ridge does advocate distinct positions on such issues as crime, abortion, fiscal responsibility and other important issues facing our nation. Advocacy of positions on issues is protected by the Supreme Court's decision in FEC v. Massachusetts Citizens For Life and subsequent proposed regulations issued by the Commission. Coral Ridge does not contribute to or expressly advocate the election or defeat of Mr. Clinton or any other identified candidates for office, and therefore has not violated the provisions of the Federal Election Campaign Act of 1971, as amended.

3. *Brief Appearance by Ronald Reagan and Jesse Helms on the Coral Ridge Hour.*

The Complaint apparently refers to a January 19, 1992, broadcast of the Coral Ridge Hour in which Ronald Reagan and Jesse Helms each appeared for a combined total of about 30 seconds, during which they each expressed appreciation for Dr. D. James Kennedy, senior pastor of Coral Ridge. At no time did Coral Ridge expressly advocate or contribute to the candidacy of either Mr. Reagan or Mr. Helms.

A transcript of the portion of the broadcast including Ronald Reagan and Jesse Helms is attached as Exhibit A to this response. We have also enclosed a videotape of the program on which Mr. Reagan and Mr. Helms appeared.

At no time during the broadcast did Coral Ridge personnel endorse, mention or introduce either Mr. Reagan or Mr. Helms. There was no impermissible express advocacy by Coral Ridge, because Coral Ridge did not introduce, mention or otherwise refer to Mr. Reagan or Mr. Helms. Coral Ridge simply broadcast the short segments in which Mr. Reagan and Mr. Helms expressed appreciation for the ministry of Dr. D. James Kennedy, senior pastor of Coral Ridge. Coral Ridge has never contributed funds to Mr. Reagan or Mr. Helms.

The portion of the broadcast on which Mr. Reagan appeared did not violate federal election campaign laws because

- a. Coral Ridge did not advocate Mr. Reagan's election or defeat.

- b. Coral Ridge did not make a contribution to Mr. Reagan, and
- c. Mr. Reagan was not a "candidate" in 1992 within the meaning of the Federal Election Campaign Act.

Coral Ridge did not endorse Mr. Reagan or advocate on his behalf; instead the broadcast consisted of Mr. Reagan speaking positively of Dr. Kennedy's ministry. The program at issue was broadcast on January 19, 1992, at which time Mr. Reagan was a private citizen who did not hold an elected office and was not campaigning for an elective office, or, to the best of our knowledge, accepting any campaign funds, and was therefore not a "candidate" within the meaning of 2 U.S.C. § 431(2). Please note that at no time did the broadcast mention Mr. Reagan's party affiliation or make reference to any election.

Jesse Helms appeared on the same broadcast, at which time he did hold elective office as a United States Senator and may very well have been accepting campaign contributions and therefore be considered a "candidate" for purposes of the Federal Election Campaign Act. However, Coral Ridge did not advocate Mr. Helm's election or defeat. Coral Ridge did not mention Mr. Helm's party affiliation or his positions on any particular issue.

Contrary to the inferences in the Complaint, Mr. Reagan and Mr. Helms did not expressly solicit funds or refer to fund raising, but instead simply expressed appreciation for Dr. D. James Kennedy. There was no "contribution" or "expenditure" by Coral Ridge within the meaning of Federal Election Campaign Act, because the brief appearances by Mr. Reagan and Mr. Helms were not "for the purpose of influencing any election for Federal office." Mr. Reagan was not a candidate for Federal office. The broadcast did not expressly advocate or endorse Mr. Helms or mention in any way his party affiliation, positions on issues or any upcoming election.

In addition, this broadcast occurred on January 19, 1992, over three years ago. Therefore the three year statute of limitations contained in 2 U.S.C. § 455 has expired. Even if the broadcast were found to be in violation of the Federal Election Campaign Act, the time for prosecuting the issue has passed.

The appearances of Mr. Reagan and Mr. Helms were similar to appearances by public figures on behalf of other charitable organizations, and would be perfectly permissible in raising funds for a charity. For example, former President Jimmy Carter would be surprised to learn that his endorsement and efforts on behalf of Habitat for Humanity violate federal election laws, if in fact the reasoning of the Complaint is correct. Our understanding is that a number of senators and other elected officials also appear on endorsements for the United Way, which the Commission has apparently not found inconsistent with the federal election laws. Similarly, Mr. Reagan and Mr. Helms appeared briefly solely to express appreciation for Dr. D. James Kennedy. Coral Ridge did not contribute to Mr. Reagan or Mr. Helms and did not expressly or impliedly advocate their election or defeat.

4. *Unspecified Allegations of Serving as a "Staging Area" for Political Propaganda.*

The Complaint alleges that Coral Ridge "vigorously promotes Conservative Republicans" and "allows their church facility to be used as a distribution center and staging area to promote Republican political and election propaganda." The Complaint does not include any factual support for this allegation. Consistent with its First Amendment rights, Coral Ridge does advocate positions on issues such as abortion and crime, but does not advocate any political party or candidate. The logic of the Complaint seems to be that because Coral Ridge advocates on certain issues on which it and the Republican party share the same position, therefore

Coral Ridge is somehow making a contribution or expenditure on behalf of the Republican party. This is not the case.

In addition, Coral Ridge does not make its facilities available to the Republican party or any other political party or candidate for office. Coral Ridge is not a "distribution center" or "staging area" for any political party or candidate.

IV. Internal Revenue Code.

Coral Ridge is a Section 501(c)(3) organization for tax purposes, and is aware of and complies with restrictions and responsibilities that go with Section 501(c)(3) status. Our understanding is that the Commission's jurisdiction and authority include enforcement and administration of the Federal Election Campaign Act, but do not include determinations with respect to Section 501(c)(3) status. Therefore this response has not addressed additional standards applicable to Section 501(c)(3) status, although Coral Ridge is able and willing to do so should such a response be required.

V. Pattern of Harassment by Mr. Austin.

Coral Ridge has been the subject of several letters from Mr. Austin which amount to baseless allegations against Coral Ridge. Mr. Austin has sent several letters to Coral Ridge directly, and has sent letters to Senator Earnest Hollings, Senator Donald Reigle and Senator Carl Levin. While Coral Ridge respects the First Amendment rights of Mr. Austin, his unfounded crusade against Coral Ridge unfairly damages Coral Ridge's reputation and necessitates the use of Coral Ridge's resources to respond to Mr. Austin's unfounded allegations.

VI. Conclusion.

Coral Ridge has not made contributions to a candidate or made expenditures that expressly advocated the election or defeat of a clearly identified candidate. Coral Ridge does advocate positions on issues important to its members and supporters, but does not advocate the election or defeat of particular persons to elective office. Mr. Austin's complaint does not establish a factual or legal basis for establishing any violation of law. Therefore, on behalf of Coral Ridge, we respectfully request that the Commission find no reason to believe that the Complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, as amended, and, accordingly, that the Commission close the file in this matter.

Please contact the undersigned with any comments or questions you may have concerning the activities of Coral Ridge.

Federal Election Commission
February 23, 1995
Page 7

Thank you for your consideration.

Sincerely,


Wendell R. Bird
Attorney at Law


Harvey Koning
Attorney at Law

enclosures

cc: Dr. D. James Kennedy
Mr. William C. Stephens

65074506

TRANSCRIPT

EXCERPTS FROM CORAL RIDGE HOUR PROGRAM #1490

BROADCAST ON JANUARY 19, 1992

The following appears at minute 53:35 on the continuous clock of the videotape of Program #1490:

Mr. Jesse Helms: "I know of no finer American or more effective spokesman for Jesus, let's put it like it is, the Lord, than James Kennedy, and it will always be my intent to stand with him and to be his friend and I'm proud to have him as mine."

Mr. Ronald Reagan: "And by the way Jim Kennedy, I appreciate the opportunity to join you today. Your counsel during our meeting before my summit meeting last year was of great value in our effort"

9 6 0 4 3 7 4 5 0 3 7

STATEMENT OF DESIGNATION OF COUNSEL

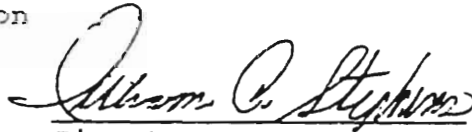
MUR 4180

NAME OF COUNSEL: Firm name: Bird & Myers Individuals: Wendell R. Bird
Timothy Townsend
ADDRESS: 1150 Monarch Plaza
3414 Peachtree Road, N.E.
Atlanta, Georgia 30326
TELEPHONE: 404-264-9400
Harvey Koning

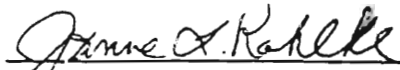
The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission

2/15/95

Date



Signature
William C. Stephens
Registered Agent



Signature
Joanne Kahlke
Assistant Director

RESPONDENT'S NAME: Coral Ridge Presbyterian Church, Inc.

ADDRESS: 5555 North Federal Highway
Ft. Lauderdale, Florida 33308

HOME PHONE: 305-772-0404

BUSINESS PHONE: 305-772-0404

9604745038



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

File

MEMORANDUM

TO: Commissioners
Staff Director Surina
General Counsel Noble

FROM: *mwe* Marjorie W. Emmons/Lisa R. Davis *H.R.D.*
Secretary of the Commission

DATE: March 9, 1995

SUBJECT: Ex Parte Communication Re Mur 4180.
Memorandum from Commissioner Scott E. Thomas
dated March 9, 1995.

MUR 4180

Attached is a copy of a memorandum we have received from
~~Commissioner Thomas~~ regarding the above subject matter.

Attachments:

1 page

96043745039



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: MARJORIE W. EMMONS
COMMISSION SECRETARY

FROM: SCOTT E. THOMAS 
COMMISSIONER

SUBJECT: EX PARTE COMMUNICATION RE MUR 4180

DATE: MARCH 9, 1995

Attached is a copy of a letter I received from D. James Kennedy, accompanying his book titled Character & Destiny. I have forwarded the book to the Office of General Counsel in reference to MUR 4180.

9604745000

01: MAR 8 1995

CORAL RIDGE MINISTRIES

D. James Kennedy, Ph.D.

5554 N. Federal Highway

Ft. Lauderdale, Florida

3308-3233

(305) 772-0404

FAX (305) 491-7975

February 1995

Dear Friend,

America is facing a crisis of character so severe it threatens our country's existence. We still possess the greatest wealth and power of any nation on earth, yet we have lost control of our streets. We have the greatest military power in history, yet we are powerless to control the teen gangs, the plague of drugs, prostitution, and violence in the inner city. For the first time, we cannot protect ourselves or our foreign visitors.

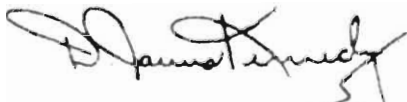
America's moral crisis is, of course, widely recognized. Three out of four Americans agree, according to a mid-1994 *Newsweek* poll, that our nation is in moral and spiritual decline.

What is perhaps not so widely recognized or acknowledged is the inevitable link between the character of a people and their national destiny. Greek philosopher Heraclitus said "a man's character is his fate." His statement is true for both men and nations. French historian Alexis de Tocqueville linked early America's "goodness" to her "greatness," stating that "America is great because America is good, and if America ever ceases to be good, America will cease to be great."

I have enclosed my recent book, *Character & Destiny*, courtesy of a Coral Ridge Ministries supporter. This book offers a careful look at America's moral freefall, the nexus to our national life, and what can be done by concerned citizens. I hope you will examine this book and its central premise that character counts—morals matter—in the life of both men and nations.

I further hope you will consider the person of Jesus Christ, whose flawless character and perfect life laid the foundation for Western Civilization and afforded the means for sinful men to find forgiveness and true transformation of character.

Sincerely,



D. James Kennedy, Ph.D.

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
COMMUNICATIONS SECTION
AUG 14 1996

AUG 14 4 50 PM '96

In the Matter of

)
)
)

Enforcement Priority

SENSITIVE

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

In accordance with the objectives of the Enforcement Priority System ("EPS") adopted by the Commission in May 1993, the Office of the General Counsel has periodically recommended that the Commission not pursue cases that are stale or that, in comparison to other pending matters, do not appear to warrant the use of the Commission's limited resources. This General Counsel's Report recommends the Commission not pursue 43 cases that fall within these categories.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of Commission resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

96040745022

Having evaluated incoming matters, this Office has identified 24 cases which do not warrant further pursuit relative to other pending matters.¹ A short description of each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this Report. Attachments 1-24. As the Commission has previously requested, we have also attached responses and referral materials where that information has not been circulated previously to the Commission. Attachment 25.

B. Stale Cases

Investigations are severely impeded and require relatively greater resources when the activity, and the evidence of the activity, are old. Accordingly, the Office of the General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 19 cases that

are now too old to warrant the use of the Commission's resources

¹ These matters are: MUR 4227 (Wellstone for Senate) (Attachment 1); MUR 4273 (Jesse Wineberry) (Attachment 2); MUR 4290 (Lincoln Club of Riverside County) (Attachment 3); MUR 4292 (Congressman Ron Packard) (Attachment 4); MUR 4293 (Willie Colon for Congress) (Attachment 5); MUR 4294 (Alan Keyes for President '96) (Attachment 6); MUR 4299 (UAW-V-CAP) (Attachment 7); MUR 4312 (Sonoma County Republicans) (Attachment 8); MUR 4316 (Ross Perot) (Attachment 9); MUR 4318 (Patrick Conibys for Congress) (Attachment 10); MUR 4324 (Buchanan for President) (Attachment 11); MUR 4325 (Dan Giarstecki for Congress '96) (Attachment 12); MUR 4329 (Golden Door) (Attachment 13); MUR 4330 (Trice Harvey) (Attachment 14); MUR 4333 (WSB-TV) (Attachment 15); MUR 4334 (Cos Communications) (Attachment 16); MUR 4336 (WSB-TV) (Attachment 17); MUR 4339 (WSB-TV) (Attachment 18); MUR 4348 (Soglin for Congress) (Attachment 19); MUR 4359 (Francis Thompson for Congress) (Attachment 20); MUR 4360 (Weyland Committee) (Attachment 21); MUR 4363 (WSB-TV) (Attachment 22); MUR 4364 (Friends of Jimmy Blake) (Attachment 23) and Pre-MUR 328 (Department of the Interior) (Attachment 24).

Because our recommendation not to pursue these cases is based on their staleness, this Office has not prepared separate narratives for these cases. we have attached responses and referral materials in those instances where the information was not previously circulated. Attachments 26-45.

This Office recommends the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective September 3, 1996. By closing the cases effective that day, CED and the Legal Review Team each will have the necessary time to prepare closing letters and case files for the public record.

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III. **RECOMMENDATIONS**

A. Decline to open a MUR, close the file effective September 3, 1996, and approve the appropriate letters in the following matters:

- 1) Pre-MUR 293
- 2) Pre-MUR 311
- 3) Pre-MUR 328
- 4) RAD Referral 95L-03
- 5) RAD Referral 95L-11
- 6) RAD Referral 95L-16
- 7) RAD Referral 95L-22
- 8) RAD Referral 95NF-21

B. Take no action, close the file effective September 3, 1996, and approve the appropriate letters in the following matters:

- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198
- 10) MUR 4201
- 11) MUR 4227
- 12) MUR 4232
- 13) MUR 4273
- 14) MUR 4290
- 15) MUR 4292
- 16) MUR 4293
- 17) MUR 4294
- 18) MUR 4299
- 19) MUR 4312
- 20) MUR 4316
- 21) MUR 4318
- 22) MUR 4324
- 23) MUR 4325
- 24) MUR 4329
- 25) MUR 4330
- 26) MUR 4333
- 27) MUR 4334

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- 28) MUR 4336
- 29) MUR 4339
- 30) MUR 4348
- 31) MUR 4359
- 32) MUR 4360
- 33) MUR 4363
- 34) MUR 4364

C. Take no further action, close the file effective September 3, 1996, and approve the appropriate letters in MUR 3826.

Date

8/14/96

Lawrence M. Noble
General Counsel

96047745096

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Enforcement Priority.)

CERTIFICATION

I, Marjorie W. ~~Emmons~~, Secretary of the Federal Election Commission, do hereby certify that on August 21, 1996, the Commission took the following actions on the General Counsel's August 14, 1996 report on the above-captioned matter:

1. Decided by a vote of 5-0:

A. Decline to open a MUR, close the file effective September 3, 1996, and approve the appropriate letters in each of the following matters:

- 1) Pre-MUR 293
- 2) Pre-MUR 311
- 3) Pre-MUR 328
- 4) RAD Referral 95L-03
- 5) RAD Referral 95L-11
- 6) RAD Referral 95L-16
- 7) RAD Referral 95L-22
- 8) RAD Referral 95NP-21

B. Take no action, close the file effective September 3, 1996, and approve the appropriate letters in each of the following matters:

- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198

(continued)

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Federal Election Commission
Certification for Enforcement
Priority
August 23, 1996

Page 2

- 10) MUR 4227
- 11) MUR 4232
- 12) MUR 4273
- 13) MUR 4290
- 14) MUR 4292
- 15) MUR 4293
- 16) MUR 4294
- 17) MUR 4299
- 18) MUR 4312
- 19) MUR 4316
- 20) MUR 4318
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- 26) MUR 4334
- 27) MUR 4336
- 28) MUR 4339
- 29) MUR 4348
- 30) MUR 4359
- 31) MUR 4360
- 32) MUR 4363
- 33) MUR 4364

Commissioners Aikens, Elliott, McDonald,
McGarry, and Thomas voted affirmatively with
respect to each of the above-noted matters.

Attest:

8-24-96
Date

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

Received in the Secretariat: Wed., Aug. 14, 1996 4:56 p.m.
Circulated to the Commission: Fri., Aug. 16, 1996 12:00 p.m.
Deadline for vote: Wed., Aug. 21, 1996 4:00 p.m.

bjr

9604745098



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SEP 06 1996

Gregory N. Austin
6110 Winans Drive
Brighton, MI 48116-5122

RE MUR 4180

Dear Mr. Austin

On January 19, 1995, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on September 3, 1996. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437(g)(1)(B).

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Wendell R. Bird, Esq.
Timothy Townsen, Esq.
Harvey Koning, Esq.
BIRD & MYERS
3414 Peachtree Road, N.E.
Atlanta, GA 30326

RE MUR 4180
Coral Ridge Presbyterian Church, Inc.

Dear Messrs Bird, Townsen, and Koning

On February 1, 1995, the Federal Election Commission notified your client, Coral Ridge Presbyterian Church, Inc., of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against your client. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on September 3, 1996.

The confidentiality provisions of 2 U.S.C. § 437g(a)(2) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 4180

DATE FILMED 10-9-96 CAMERA NO. 2
CAMERAMAN JMH

96045745101



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

Date: 10/7/96

☒ Microfilm
☐ Public Records
☐ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 4180

96047761469

COLLEEN T. SEALANDER
F.E.C.

(RE: MUR 4180) 9-13-96

DEAR MR. SEALANDER:

I PLAN ON APPEALING YOUR DECISION.

PLEASE REMEMBER I AM AN ORDINARY
CITIZEN REPRESENTING ONLY MYSELF.

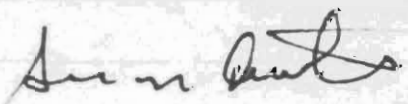
I THEREFORE REQUEST A COPY OF
2 USC § 437 (g)(a)(8), SO THAT I
CAN PROCEED PROPERLY.

I ASSUME I DO NOT NEED TO BE
REPRESENTED BY COUNSEL.

YOUR INDULGENCE IS SOLICITED

FORGIVE THE HASTY LETTER - I AM GOING
OUT OF TOWN FOR THREE DAYS AND WANTED
TO GET THIS IN TODAY'S MAIL!

BEST REGARDS,



GREGORY N. AUSTIN

6110 WINANS DR.

BRIGHTON MI 48116

TEL: 1-810-231-2715 RES

1-810-553-7670 BUS

1-810-553-8320

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

SEP 17 12 27 PM '96

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