



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

In the Matter of

The Christian Coalition

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MUR 3669

### STATEMENT OF REASONS

**COMMISSIONER SCOTT E. THOMAS**  
**VICE CHAIRMAN JOHN WARREN MCGARRY**  
**COMMISSIONER DANNY LEE MCDONALD**

Though much will be said and written about the part of this case the Federal Election Commission ("the Commission") took to court, the real story is what got swept under the Commission's carpet. On July 30, 1996, the Commission filed suit against the Christian Coalition for making corporate contributions in violation of 2 U.S.C. §441b. Unfortunately, this action only came after the Commission split and failed to act upon the General Counsel's legal recommendation to file suit against the Christian Coalition for failing to register and report as a political committee in violation of 2 U.S.C. §§433 and 434.

We agree with the General Counsel that the Christian Coalition, which has raised and spent over a million dollars on behalf of federal candidates, must register with the Commission and publicly report and fully disclose its federal campaign activity—just as any other such entity would have to register and report with the Commission. Although Commissioners Aikens and Elliott argue that the Christian Coalition is simply an issue advocacy group, the record clearly establishes that the Christian Coalition—unlike other so-called "issue groups"—seeks to influence issues and public policy *through the election of candidates to public office*. We believe that the evidence detailing the purpose and breadth of the Christian Coalition's federal campaign activity is both overwhelming and irrefutable.

The Christian Coalition has every right to be involved in the political process as citizens and voters. In so doing, however, they must still play by the same rules as everyone else.

## I.

The Federal Election Campaign Fund Act of 1971, as amended ("the Act"), defines a "political committee" as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year." 2 U.S.C. §431(4). In construing this statutory term, the Supreme Court has held that an organization is not a political committee unless, in addition to crossing the \$1,000 statutory threshold of federal contributions or expenditures, the organization is under the control of a candidate or its *major purpose* is the nomination or election of candidates to any public office. See *Buckley v. Valeo*, 424 U.S. 1, 79 (1976); *FEC v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238, 252, 262 (1986) ("*FEC v. MCFL*"). Thus, once an organization has received more than \$1,000 in contributions or made more than \$1,000 in expenditures and has met the major purpose test, it becomes a political committee pursuant to §431. Any organization that qualifies as a political committee must register with the Commission and file periodic reports of all its federal election receipts and disbursements for disclosure to the public. 2 U.S.C. §§ 433 and 434. A political committee is subject to limits when making expenditures in coordination with a candidate, but may make unlimited expenditures on behalf of a candidate if no coordination is involved. 2 U.S.C. §§441a(a)(1)(A), (2)(A), (7)(B).

The Act also prohibits "any corporation whatever" from making any contributions or expenditures in connection with any federal election and prohibits any candidate or committee from knowingly accepting such a prohibited contribution or expenditure. 2 U.S.C. §441b. In *FEC v. MCFL, supra*, the Supreme Court interpreted § 441b to mean that expenditures for communications not coordinated with a candidate's campaign must constitute "express advocacy" to be subject to the §441b prohibition. Thus, a corporation may use its treasury funds to make nonpartisan, independent communications to the general public, including voter registration, GOTV materials, telephone banks, and nonpartisan voter guides. If, however, any of these activities expressly advocate the election or defeat of a clearly identified candidate, or are undertaken in coordination with a federal candidate, thereby losing their independence, the corporate expenditures for those communications constitute violations of 2 U.S.C. §441b.

The Act allows corporations to use their treasury funds to operate a separate segregated fund for political purposes. 2 U.S.C. §441b(b)(2)(c). The fund may solicit contributions from the corporation's stockholders, executive and administrative personnel, members, and the family members of such individuals. 2 U.S.C. §441b(b)(4). Such a fund is a political committee and, like other political committees, is subject to the Act's registration and reporting requirements. See 2 U.S.C. §§ 431(4)(B), 433, 434. A separate segregated

**fund's expenditures which are coordinated with candidates are subject to contribution limits, but non-coordinated expenditures have no limits.**

**For whatever reason, the Christian Coalition has chosen not to establish a separate segregated fund, as have other corporations, to carry out its political goals. Nor has it characterized itself as a "political committee" in its own right. Thus, it has long avoided any disclosure of its funding. At the same time, though subjecting itself to the ban of §441b, it has asserted that none of its actions qualify as coordinated or "express advocacy" activity. It has claimed the best of all worlds, in other words.**

**On February 27, 1992, the Chairman of the Democratic Party of Virginia filed a complaint with the Commission against the Christian Coalition and the Bush-Quayle '92 Primary Committee ("Bush-Quayle Committee") with respect to an appearance and address by Vice President Quayle in November, 1991, at a political forum and workshop sponsored by the Christian Coalition. The complaint also alleged that the Christian Coalition is a "political group active in national politics, and especially active in supporting Republican candidates." Later, the Commission received an amendment to the complaint alleging that the Christian Coalition was also active in the 1990 re-election campaign of Senator Helms in North Carolina. This matter was designated MUR 3475.**

**The Office of General Counsel prepared a report for Commission consideration that contained a factual and legal analysis of the allegations presented in the complaint as well as responses to the complaint received from the Bush-Quayle Committee and the Christian Coalition. On September 15, 1992, the Commission unanimously approved the General Counsel's legal recommendations with respect to the Christian Coalition and found reason to believe that the Christian Coalition violated 2 U.S.C. §§ 433, 434 by failing to register and report as a political committee and § 441b for using corporate funds to make contributions to federal candidates. The Commission based its finding on Christian Coalition 1990 and 1991 activities, which included voter guide and get-out-the-vote ("GOTV") programs in North Carolina, and the Coalition's November, 1991 forum in Virginia which was entitled "The Road to Victory." The Commission unanimously approved these recommendations by a vote of 6-0 and authorized the General Counsel to conduct an investigation of the matter.**

**On October 21, 1992, the Democratic National Committee filed a complaint with the Commission similarly alleging that the Christian Coalition has "engaged in avowedly and predominantly partisan—and therefore impermissible—get-out-the-vote efforts, which it has conducted in coordination both with individual Republican candidates and with the national Republican committees." The complaint asserted that these activities violated §441b because they involved "illegal corporate expenditures made to benefit particular candidates and political parties" and that the Christian Coalition failed to comply with the registration and reporting requirements of §§ 433 and 434. In support of these allegations, the complaint pointed to Christian Coalition campaign activity**

in the states of North Carolina, New York, Montana, South Carolina, Florida and Pennsylvania. This complaint was designated MUR 3669.

On July, 20, 1993, the Commission voted to merge MUR 3669 and MUR 3475 and made additional findings. The Commission found reason to believe that the Christian Coalition violated 2 U.S.C. §§ 441a(a), 441a(f) and 434(b) by making excessive in-kind contributions to federal campaigns and not reporting them, and by accepting excessive contributions from the National Republican Senatorial Committee and not reporting them. Later, on April 4, 1994, the Commission revoted its reason to believe findings in order to conform to the court's opinion in *FEC v. National Rifle Association Political Victory Fund*, 115 S. Ct. 537 (1994).

In the aftermath of the reason to believe findings, the Office of General Counsel conducted a thorough and comprehensive investigation of the Christian Coalition's political activities. The General Counsel's Office reviewed thousands of pages of material received in response to document requests and interrogatories as well as over 120 video and audio tapes. The General Counsel's Office also conducted 17 formal depositions and a number of informal interviews.

After completing and reviewing the results of this investigation, the General Counsel recommended that the Commission find probable cause to believe either that (1) the Christian Coalition is a political committee, with corresponding registration and reporting obligations and limitations on its receipts and contributions to other committees; or, in the alternative (2) that the Christian Coalition is an incorporated entity which has made and failed to report prohibited contributions to political committees and candidates. On September 26, 1995, the Commission voted to approve these probable cause recommendations.

When the statutorily required attempts at conciliation failed, the Commission authorized the Office of General Counsel to file a civil suit for relief against the Christian Coalition in United States District Court in connection with MUR 3669. Unlike the probable cause findings, however, there were not four votes to proceed on the alternative legal theories in litigation. Commissioners Aikens and Elliott voted to proceed only on the prohibited corporate contribution theory and not on the political committee theory.

## II.

In a 192 page brief reviewing the results of its investigation into the political activities of the Christian Coalition, the General Counsel's Office exhaustively details the overwhelming evidence supporting its legal conclusion that the Christian Coalition is a political committee and should publicly disclose its campaign activity. It is not our purpose here to repeat, discuss and analyze

each and every piece of evidence examined in that brief. We simply seek to highlight several of the more compelling pieces of evidence and explain why we believe it leads to the irrefutable conclusion that the Christian Coalition has been operating as a federal political committee within the meaning of 2 U.S.C. §431(4).

As we explain above, an organization must meet two criteria in order for it to be considered a federal political committee. First, it must receive contributions or make expenditures in excess of \$1,000 for federal election races. Second, a major purpose of the organization must be the nomination or election of candidates for any public office. The record in this matter indicates that the Christian Coalition easily satisfies both standards.

#### A.

The federal political activity of the Christian Coalition far surpasses the \$1,000 threshold of federal activity statutorily required for political committee status. Based upon the evidence developed in its investigation, the Commission unanimously found probable cause to believe that the Christian Coalition made prohibited contributions in the amount of at least \$1,450,420 in violation of 2 U.S.C. §441b. This included in-kind contributions totaling at least (a) \$980,000 to the 1992 Bush-Quayle campaign; (b) \$52,000 to the 1990 Helms for Senate Committee; (c) \$61,000 to the Oliver North for Senate Committee; (d) \$4,200 to the 1992 Inglis for Congress Committee; (e) \$3,500 to the 1994 Hayworth for Congress Committee; and (f) \$325,000 to the National Republican Senatorial Committee in 1990. In addition, the Christian Coalition accepted a \$64,000 contribution from the NRSC for use in the Coalition's 1990 voter guide campaign.

The record plainly establishes that the Christian Coalition has received contributions or made expenditures aggregating well in excess of \$1,000. Moreover, the factual record shows that this federal activity was not simply the result of some unintended activity with federal consequences or an isolated incident occurring in just one election cycle. Rather, the General Counsel's investigation indicates that the Christian Coalition conducted this federal activity in the 1990, 1992, and 1994 election cycles—the first three election cycles following the Coalition's creation in 1989. Based on this high level of federal financial activity, the Coalition has more than met the statutory definition of "political committee" found at 2 U.S.C. § 431(4)(A). The next question, then, is whether the Coalition's "major purpose" is campaign activity.

## B.

In *Buckley v. Valeo, supra*, the Supreme Court expressed concern that the Act's definition of political committee "could be interpreted to reach groups engaged purely in issue discussion." 424 U.S. at 79. The Court did not want an issues organization that inadvertently spent over \$1,000 on a federal candidate to be suddenly forced to register and report its activities as a federal political committee. To avoid such a result, the Court stated that an organization's major purpose must be for the nomination or election of candidates in order for that organization to be subject to the reporting obligations and contribution limitations of a political committee.

Although the Christian Coalition asserts that its major purpose as an organization is simply to discuss issues and influence legislation, the record establishes that the Christian Coalition is decidedly not a group "engaged purely in issue discussion." *Id.* Indeed, the record shows that the Christian Coalition seeks to achieve legislative success and political power through the election of like-minded candidates to federal office. Moreover, the Coalition has sought to accomplish its political goals through the building of a political organization on a precinct level which is more akin to a political party than an issue advocacy group.

Just as the Republican or Democratic Party seeks to advance its own and its supporters' ideology through the nomination and election of candidates, so too does the Christian Coalition. It seeks to promote its views and obtain political power through the electoral process. The Christian Coalition's self-described objective, as voiced repeatedly by its leadership at Coalition conferences and political training sessions, is to elect candidates at the local, state and federal level for the purpose of advancing its ideology. By its own admission, the Christian Coalition proposes to influence elections and unabashedly declares that it intends to become the most powerful political organization in the country by the year 2000.

Based on the overwhelming evidence before us, we conclude that the Christian Coalition's major purpose is the nomination or election of candidates to elective public office. The General Counsel's Probable Cause Brief painstakingly details the many Christian Coalition statements and actions which lead to this conclusion. See General Counsel's Brief at pages 13-162. Particularly compelling are statements made by the Christian Coalition itself—both by its leadership publicly and by the organization in its written materials.

In a recruitment and training video produced in 1991 and entitled "America at a Crossroads," Dr. Marion "Pat" Robertson, founder and chairman of the Christian Coalition, described well the political purposes and election-related goals of the Christian Coalition when he stated:

*I believe that the Christian Coalition will be the most powerful political force in America by the end of this decade.*

What is the mission of this organization? It is simply this. To restore Godly principles and Godly men and women to the government of the United States and every one of the fifty states.

To do this, we will achieve each of the following goals:

*We will develop the ability to elect majorities in the U.S. Congress and the legislatures of at least thirty states, as well as the city councils, the city school boards and other local bodies.*

We will become the decisive voice in at least one of the two major political parties.

We will build strong organizations in every state and Congressional district in America.

We will recruit at least 10 trained political activists in every one of America's approximately 175,000 precincts.

We will have more trained grassroots activists than both political parties combined and more than any other organization on the left or the right of the political spectrum.

We will reach 30 million voters for pro-family and conservative causes and candidates.

*We will know who our supporters are, where they live, how they vote, and we will be able to get them to the polls on election day.*

We will open an effective lobbying office with a research staff and a model legislative staff in Washington, DC, and then in each of the fifty states.

We will publish a monthly national newspaper, *The Christian American*, with a circulation of 10 million copies each month.

If the pro-family Roman Catholics and the conservative evangelicals will unite together, *there is no candidate we cannot elect anywhere in the nation*, and there is no cause in which we cannot be victorious.

General Counsel's Brief at 42-43 (emphasis added). The Christian Coalition certainly has the right to seek to "restore Godly principles and Godly men and women to the government of the United States and every one of the fifty states" by developing the ability to elect majorities in the United States Congress and the various state legislatures, just as the Republican Party has the right to seek to restore Republican principles and Republican men and women to the United States Government and the states through the election process. However, just as the Republican Party must follow the campaign finance law and report its

financial activity as it seeks to accomplish its political goals, so too must the Christian Coalition.

At the 1991 "Road to Victory Conference," Dr. Robertson, gave a speech entitled "How to Turn America Back to God" in which he similarly discussed the mission and goals of the Christian Coalition. Once again, the election of candidates as well as the raising of money to influence those elections, were the central goals of the Christian Coalition:

Now what's the program? I have big goals. . . . There are 175,000 precincts in America. The *precincts are where politics gets done, where the people live. Precincts, as you know, are neighborhoods. I want to see, by the end of this decade, ten keen, active members of the Christian Coalition in every single precinct of America, that's 175,000 activists.*

Now the next thing we're looking at in the Christian Coalition is money. . . . *You don't win elections if you don't have some money.*

This year we will finish out with \$5 million. . . . The goal in 1994 is \$48 million. And the goal by the year 2000 is to have four times the current budget of the Republican National Committee which is \$250 million.

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Ralph, . . . your salary will remain the same. *This money has to go for candidates, not for administration.*

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*The next goal is to elect conservative, pro-family majorities in the legislatures of at least 35 of the states of the United States of America. And then when we get that we'll go on to fifty. We want to clean house on those.*

*The next we're looking forward to in 1992 is a conservative majority in the United States Senate.*

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*We want to strive for the election of a conservative pro-family majority in the United States House of Representatives by 1996. We might see it sooner, but 1996 is attainable.*

*Next, of course, we want to see the White House in pro-family Christian hands at least by the year 2000, if the Lord permits.*

General Counsel's Brief at 41 (emphasis added).

In this speech, the Chairman and founder of the Christian Coalition went on to discuss the selection and use of issues by the Christian Coalition as a means of winning elections. Dr. Robertson demonstrated how the Christian Coalition must broaden its issues agenda in order to increase the Coalition's political influence and the electability of the candidates it supported:

What would happen if we had trained people in the precincts who would take the trouble to ask their neighbors and friends and people in the block of their



precinct what their interests are? Not to go to them and say "We are the pro-life people" or "We are the church people." But to say, "*What are your interests, what is it that concerns you?*" *And then to have the candidate address those issues and write back and to say, "My worker in your precinct told me that you are concerned about potholes! And I want you to know that I am the pothole candidate. I guarantee you that if I am elected I'll take care of potholes for you."*

By the end of this decade I want the Christian Coalition—it's a doable thing—to have a databank of *50 million voters according to their interests*. And we can send letters. You've probably seen this already. *In this senatorial race that we won [a state senate race in Virginia], we did this to 15,000 voters and Ralph personalized forty different paragraphs—to the gun owners, the hunters, this group, the other group, the senior citizens, he had something, and the candidate spoke to them on all those issues.*

General Counsel's Brief at 102-103 (emphasis added). Once again, as Dr. Robertson's speech demonstrates, the Christian Coalition's central motivation is winning elections. It seeks to advance certain common aims by electing candidates who will pursue those aims once in office. It is also prepared to advance other issues—even pothole repair—if that is what it takes to help elect its candidates.

At this same 1991 conference, Ralph Reed, Executive Director of the Christian Coalition, reiterated the organization's emphasis on supporting and electing specific candidates to public office:

Folks, I really need your attention for this panel, because there probably isn't an opportunity in this country that exceeds *our opportunity* this year to *elect* more people like Jesse Helms and Bill Dannemeyer to the United States Senate.

General Counsel's Brief at 42 (emphasis added). Likewise, in an address to the Montana Coalition's "God's Building an Army" conference in January, 1992, Ralph Reed advocated the defeat of U.S. Representative Pat Williams in connection with the 1992 election for the U.S. House of Representatives in that state:

If we will move forward in unity and if we will be persistent, victory will be ours.

It will be ours in Montana and it will be ours all across America. . . . *We're going to see Pat Williams sent bags packing back to Montana in November of this year and I'm going to be here to help you do it.*

General Counsel's Brief at 87 (emphasis added).

The political mission, purposes, and goals articulated at the 1991 Conference were echoed at later Christian Coalition conferences and meetings.

For example, in his speech to the Coalition's 1992 "Road to Victory" Conference, Dr. Robertson once again described the dominant role he sought for the Christian Coalition in American politics:

*[B]efore the end of this decade the Christian Coalition is going to be the most powerful political organization in the entire United States of America. And with that in mind our goal is not too immodest. Before the end of this decade I want to see us with pro-family legislators holding a majority of the legislatures and the governors' offices in at least thirty-five of our states. I want to see a clear-cut majority of the members of the House of Representatives that are going to be like Tom Delay and Dick Armey and those like him. And the same with the United States Senate.*

And obviously I would like to see a conservative, pro-family President elected in 1992, 1996, 2000 and beyond. We don't ever want to give up the White House anymore.

General Counsel' Brief at 46-47 (emphasis added). Significantly, the Coalition defines the election of state legislators, governors, Representatives (including specific Representatives), the Senate and the White House as its "goal." Given these electoral goals and its vision of being the "most powerful political organization in the entire United States of America," we find it difficult to fathom the Coalition as a group "engaged purely in issue discussion." *Buckley*, 424 U.S. at 79.

Printed materials of the Christian Coalition confirm the spoken views of its leaders and likewise indicate that the Coalition's major purpose is to promote and implement its beliefs through winning elections. As the Coalition's current *Training Seminar Manual* explains:

*Politics is a game of numbers. If you get more votes than your opponent, you win. One of the reasons Christian efforts often fall short at the ballot box is that we fail to recognize that there is more to politics than just being on the right side of an issue. Being right is important, but to influence public policy in a democratic system, we not only have to be right, we have to be capable of ensuring that our candidates and issues will be victorious.*

General Counsel's Brief at 53-54 (emphasis added).

In addition to the words and declarations of its leadership, the actions of the Christian Coalition provide further evidence that its major purpose is the nomination and election of candidates. The investigation in the instant matter revealed numerous instances of cooperation, consultation and coordination by the Christian Coalition in order to support specific federal candidates and political party committees. For example, executive director Ralph Reed's service on the Bush Quayle campaign's "pro-family steering committee" gave him direct access to and input into campaign strategy concerning how to reach "pro-family" voters. Similarly, President Bush and Dr. Pat Robertson held meetings in early 1992 to

discuss the Bush-Quayle campaign. Having offered political advice to the Bush-Quayle campaign, and having received information regarding the Bush-Quayle campaign strategy through the involvement of its leadership in the campaign, the Coalition distributed approximately 28 million voter guides and made hundreds of thousands of get-out-the-vote telephone calls in connection with the 1992 Presidential election campaign.

Another example of coordination and support between the Christian Coalition's leadership and a specific federal candidate's campaign is found in the Coalition's support of the 1990 Helms for Senate campaign. Indeed, Ralph Reed is quoted at the 1991 Road to Victory Conference as having stated:

I had access to *internal* tracking and I knew Senator Helms was down by eight points. So Pat called me up and said, quote, 'We have got to kick into action.' Bottom line is, five days later we put three-quarters of a million voter guides in churches across the State of North Carolina and Jesse Helms was re-elected by 100,000 votes out of 2.2 million cast.

General Counsel's brief at 67 n.33 (emphasis added).

Coordination between the leadership of the Christian Coalition and the campaigns of federal candidates resulted in contributions to or expenditures on behalf of a number of federal candidates over the years. They included not only the Bush-Quayle '92 Primary and General Committees and the Helms for Senate Committee in 1990, but also the Oliver North for U.S. Senate Committee in 1994, the Inglis for Congress Committee in 1992, the Hayworth for Congress Committee in 1994, the NRSC in 1990, and both the NRSC and the National Republican Congressional Committee in 1991. The Coalition's contributions to these candidates and committees alone totaled over \$1.4 million.

The Christian Coalition's ultimate goal, like that of a political party, is to obtain control of the levers of government so that it may then put into operation its policies and philosophies. The Coalitions' public statements, written materials, and actual election-related activities all demonstrate that its major purpose is to influence federal elections. The evidence is overwhelming and the conclusion inescapable. Accordingly, we voted to approve the General Counsel's legal recommendation to file suit against the Christian Coalition for failing to register and report its activities as a political committee.

### III.

Despite all the evidence described and discussed in the General Counsel's Probable Cause Brief (and the above discussion only highlights a small portion of that evidence), Commissioners Aikens and Elliott voted against pursuing the Christian Coalition as a political committee. Relying on *Akins v. Federal Election Commission*, 66 F.3d 348 (D.C.Cir. 1995) *reh'g denied*, 74 F.3d

287 (D.C.Cir. 1996) ("*Akins*"), they essentially argue that the Christian Coalition is primarily a lobbying organization and its campaign related activities are undertaken simply as a minor adjunct to its lobbying efforts.<sup>1</sup> In support of this, they point to the fact the Christian Coalition has set legislative priorities, lobbies Members of Congress on legislation of concern, hires lobbyists with experience, and has hired directors of training and education, of voter education, of communication, of information systems, and of government affairs. Although conceding that "some [Coalition] activity might fall within the Act," Commissioners Aikens and Elliott conclude that "there is no evidence that the majority of its [the Coalition's] activity falls within the Act." Statement of Commissioners Aikens and Elliott at 6.

We think Commissioners Aikens and Elliott's reasoning fails for several reasons. First, they seem to argue that "major purpose" is arrived at as a matter of simple mathematical calculation, i.e., if an organization's expenditures for campaign activity exceeds 50% of the organization's overall budget, only then is the organization's major purpose considered to be campaign related. Their approach ignores the wealth of evidence that the primary objective of the Christian Coalition is to influence elections. Whenever legislation or lobbying is mentioned as an objective, it is a lesser goal. The organizational structure by precinct level, the constant references to voters and elections, and the statements of Christian Coalition leaders leave no doubt about the major purpose of the respondent.

Second, Commissioners Aikens and Elliott's argument that the Christian Coalition engages in a number of other activities, thus proving that its "core purpose" is not the election or defeat of federal candidates, goes too far. Under this theory, many federal political committees could avoid disclosure simply by adding a lobbying office, a government affairs office, and a public affairs office. Indeed, the Republican and Democratic national party committees could readily contend that they do not have to register as political committees because they too engage in many activities other than those on behalf of candidates for elective office. Like the Christian Coalition, the national party committees also seek to influence legislators and public opinion and have public relations and government affairs offices. Just as it would be unthinkable, however, to exempt the national party committees from public disclosure on such a basis, so too the Christian Coalition should not be exempted from its disclosure responsibilities on such grounds. Public disclosure is far too important to be so easily evaded.

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<sup>1</sup> In *Akins*, the D.C. Circuit upheld the Commission's no probable cause to believe finding that AIPAC had violated sections 433 and 434 by failing to register and report as a political committee. The activities and organization of AIPAC, however, are vastly different than that of the Christian Coalition. Unlike the Christian Coalition, for example, there was no evidence that AIPAC had made over \$1.4 million in contributions to federal candidates; had organized in precincts in order to target voters; or had indicated, either in written materials or in statements by its leadership, that its goal was to become "the most powerful political force in America" and "elect majorities in the U.S. Congress and the legislatures of at least thirty states, as well as the city councils, the city school boards and other local bodies." General Counsel's Report at 42-43.

Disclosure is the cornerstone of the Federal Election Campaign Act and the primary duty and responsibility of the Federal Election Commission. Commissioners Aikens and Elliott have shaken that foundation by shielding the scale and force of the Christian Coalition's federal campaign activity from public scrutiny.

#### IV.

In a speech given before the Christian Coalition of Montana, Christian Coalition executive director Ralph Reed described the Coalition's political campaign strategy, relying on the book *The Art of War* by Sun Tzu, a philosopher and warrior of ancient China. The speech sets forth in stark terms the Christian Coalition's objective of winning a "war fought with ballots" and the importance of "secrecy" in successfully waging that war:

*The first strategy and in many ways the most important strategy for evangelicals is secrecy. Sun Tzu says that what you have to do to be effective at war and that's essentially what we're involved in, we're involved in a war. It's not a war fought with bullets, it's a war fought with ballots. But he essentially says that what you got to do is move secretly, move quietly, move at night and don't telegraph your position. . . . What I'm suggesting to you is that to be effective you must be secretive, you must paint your face and travel at night. You must move underground and don't stick your head out of the foxhole until the sun is beyond the horizon. . . . At every moment disguise your position and your truth from the enemy because the minute you stick your head up, you can be shot. It's a little bit like what was talked about today with respect to infiltrating the party, maybe infiltrate is the wrong word, but, in any event, influence the party, is that you don't necessarily want to show up and be identified as such because then you're an easy target to everybody else who's there who doesn't share your values.*

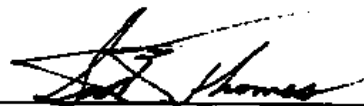
General Counsel's Brief at 45-46 (emphasis added).

By failing to find that the Christian Coalition is a political committee, Commissioners Aikens and Elliott have guaranteed that the Coalition will continue to wage its "war fought with ballots" in the darkness and secrecy it has sought. As a result of their votes in this matter, the Christian Coalition will not

have to register and fully report its federal campaign activity. The public will never really know where the Coalition gets or how it spends its money. Meanwhile, the Christian Coalition will continue to "travel at night" and "move secretly" toward its goal of becoming "the most powerful political force in America." Statement of Ralph Reed, Id. and Statement of Pat Robertson, General Counsel's Brief at 42.

7/30/96

Date

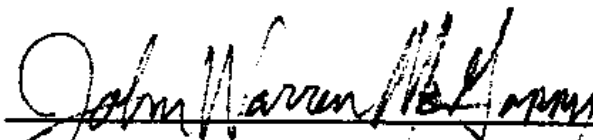


Scott E. Thomas

Commissioner

7/30/96

Date

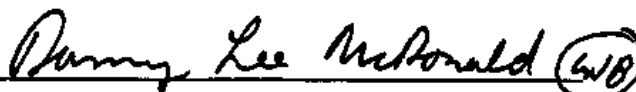


John Warren McGarry

Vice Chairman

7/30/96

Date



Danny Lee McDonald

Commissioner