

Religious group cleared of most charges

Christian Coalition voter guides are legal, judge rules

By RICHARD L. BERKE
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WASHINGTON — A federal judge handed the Christian Coalition a victory yesterday, rejecting most charges in a lawsuit that accused the group of illegally distributing millions of voter guides and mailings to promote Republican candidates.

Federal District Judge Joyce Green took issue with the Federal Election Commission, which in filing the lawsuit three years ago argued that the coalition's non-partisan posture was a sham. She dismissed charges that the organization sought to improperly help candidates, including former President George Bush and Sen. Jesse Helms of North Carolina, through

its literature, telephone banks and other efforts.

But Green ruled that the group must pay a civil penalty — as yet undetermined — for advocating the election of Rep. Newt Gingrich of Georgia during his 1994 drive to become House speaker. She also ruled that the coalition improperly shared its mailing list with the Senate campaign in 1994 of Oliver North, a major figure in the Iran-contra affair who is now a talk radio personality.

Still, the overall ruling was welcome news for the coalition, the largest organization of religious conservatives, which has been riven by deep financial problems and leadership turmoil.

In June the coalition acknowledged that its application to the Internal Revenue Service for tax-exempt status had not been approved and that the organization would reorganize in a move to retain its influence. The IRS action is separate from the court ruling yesterday.

"This is a decisive victory for First

Amendment freedom for all groups that want to involve themselves in federal issues," Pat Robertson, the television evangelist who founded the group in 1989, said in an interview.

Ron Harris, a spokesman for the election commission, said the group still was reviewing the ruling.

Advocates of tightening campaign finance laws argued that the verdict will encourage other organizations to bend and stretch the laws by trying to help candidates but not reporting their efforts as independent expenditures or in-kind contributions.

"This is certainly another large piece of plaster which is falling off the ceiling of campaign finance regulation," said Robert Bauer, a Democratic lawyer who specializes in campaign finance law.

Green offered a detailed definition of what constitutes improper coordination between a campaign and an outside group. But she said the coalition did not appear to cross that line.

"A corporation's mere announcement to the campaign that it plans to

distribute thousands of voter guides on the Sunday before Election Day, even if that information is not yet public, is not enough to be coordination," she ruled.

But Green also said one reason the coalition did not act improperly was because the Bush campaign refused its entreaties during the 1992 campaign.

The suit brought against the coalition took aim at one of its most effective — and controversial — organizing tools: the millions of voter guides that list candidates' records on assorted issues. The suit asserted that while the guides distributed between 1990 and 1994 did not expressly advocate the election or defeat of candidates, legal questions arose because the coalition coordinated the distribution and content of the guides to favor particular candidates.

The suit resulted from a four-year inquiry by the FEC that was prompted by complaints from the Democratic National Committee and the Virginia Democratic Party.