

Internal Revenue Service
Appeals Office
1000 Liberty Avenue
Room 816
Pittsburgh, PA 15222

Department of the Treasury

**Employer Identification
Number:**

Number: **201416011**
Release Date: 4/18/2014

Person to Contact:

Employee ID Number:

Date: December 30, 2013

Tel:
Fax:

UIL: 501.42-00

Certified Mail

Dear

This is a final adverse determination regarding your exempt status under section 501(c)(3) of the Internal Revenue Code (the "Code"). It is determined that you do not qualify as exempt from Federal income tax under section 501(c)(3) of the Code effective July 1,

Our revocation was made for the following reason(s):

Amongst other requirements, to be an organization described in Section 501(c)(3), an organization must "not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office." Treas. Reg. § 1.501(c)(3)-1(c)(3) provides that if an organization engages in this conduct it is classified as an "action organization," which is an organization deemed to not have operated exclusively for tax-exempt purposes and thus is not an organization described in Section 501(c)(3). You operated as an action organization because you participated or intervened in political campaigns on behalf of and in opposition to candidates for public office by publishing and distributing statements. As such, we revoke our previous favorable determination as to your exempt status effective July 1.

Contributions to your organization are not deductible under section 170 of the Code.

You are required to file Federal income tax returns on Forms 1120. File your return with the appropriate Internal Revenue Service Center per the instructions of the return. For further instructions, forms, and information please visit www.irs.gov.

If you were a private foundation as of the effective date of the adverse determination, you are considered to be taxable private foundation until you terminate your private foundation status under section 507 of the Code. In addition to your income tax return, you must also continue to file Form 990-PF by the 15th Day of the fifth month after the end of your annual accounting period.

Processing of income tax returns and assessments of any taxes due will not be delayed should a petition for declaratory judgment be filed under section 7428 of the Code.

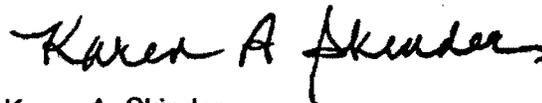
We will make this letter and the proposed adverse determination letter available for public inspection under Code section 6110 after deleting certain identifying information. We have provided to you, in a separate mailing, Notice 437, *Notice of Intention to Disclose*. Please review the Notice 437 and the documents attached that show our proposed deletions. If you disagree with our proposed deletions, follow the instructions in Notice 437.

If you decide to contest this determination, you may file an action for declaratory judgment under the provisions of section 7428 of the Code in one of the following three venues: 1) United States Tax Court, 2) the United States Court of Federal Claims, or 3) the United States District Court for the District of Columbia. A petition or complaint in one of these three courts must be filed within 90 days from the date this determination letter was mailed to you. Please contact the clerk of the appropriate court for rules for filing petitions for declaratory judgment. To secure a petition form from the United States Tax Court, write to the United States Tax Court, 400 Second Street, N.W., Washington, D.C. 20217. See also Publication 892.

You also have the right to contact the office of the Taxpayer Advocate. Taxpayer Advocate assistance is not a substitute for established IRS procedures, such as the formal appeals process. The Taxpayer Advocate cannot reverse a legally correct tax determination, or extend the time fixed by law that you have to file a petition in a United States Court. The Taxpayer Advocate can however, see that a tax matters that may not have been resolved through normal channels get prompt and proper handling. If you want Taxpayer Advocate assistance, please contact the Taxpayer Advocate for the IRS office that issued this letter. You may call toll-free, 1-877-777-4778, for the Taxpayer Advocate or visit www.irs.gov/advocate for more information.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely Yours,



Karen A. Skinder
Appeals Team Manager

Enclosure: Publication 892

cc

Internal Revenue Service

Department of the Treasury
TEGE EO Examination
1100 Commerce Street
Dallas, TX 75242

Date: August 5, 2011

Taxpayer Identification Number:

Form:

Tax Year(s) Ended:

Person to Contact/ID Number:

Contact Numbers:

Telephone:

Fax:

Certified Mail - Return Receipt Requested

Dear

We have enclosed a copy of our report of examination explaining why we believe revocation of your exempt status under section 501(c)(3) of the Internal Revenue Code (Code) is necessary.

If you accept our findings, take no further action. We will issue a final revocation letter.

If you do not agree with our proposed revocation, you must submit to us a written request for Appeals Office consideration within 30 days from the date of this letter to protest our decision. Your protest should include a statement of the facts, the applicable law, and arguments in support of your position.

An Appeals officer will review your case. The Appeals office is independent of the Director, EO Examinations. The Appeals Office resolves most disputes informally and promptly. The enclosed Publication 3498, *The Examination Process*, and Publication 892, *Exempt Organizations Appeal Procedures for Unagreed Issues*, explain how to appeal an Internal Revenue Service (IRS) decision. Publication 3498 also includes information on your rights as a taxpayer and the IRS collection process.

You may also request that we refer this matter for technical advice as explained in Publication 892. If we issue a determination letter to you based on technical advice, no further administrative appeal is available to you within the IRS regarding the issue that was the subject of the technical advice.

Letter 3618 (Rev. 11-
Catalog Number: 34809F

If we do not hear from you within 30 days from the date of this letter, we will process your case based on the recommendations shown in the report of examination. If you do not protest this proposed determination within 30 days from the date of this letter, the IRS will consider it to be a failure to exhaust your available administrative remedies. Section 7428(b)(2) of the Code provides, in part: "A declaratory judgment or decree under this section shall not be issued in any proceeding unless the Tax Court, the Claims Court, or the District Court of the United States for the District of Columbia determines that the organization involved has exhausted its administrative remedies within the Internal Revenue Service." We will then issue a final revocation letter. We will also notify the appropriate state officials of the revocation in accordance with section 6104(c) of the Code.

You have the right to contact the office of the Taxpayer Advocate. Taxpayer Advocate assistance is not a substitute for established IRS procedures, such as the formal appeals process. The Taxpayer Advocate cannot reverse a legally correct tax determination, or extend the time fixed by law that you have to file a petition in a United States court. The Taxpayer Advocate can, however, see that a tax matter that may not have been resolved through normal channels gets prompt and proper handling. You may call toll-free 1-877-777-4778 and ask for Taxpayer Advocate Assistance. If you prefer, you may contact your local Taxpayer Advocate at:

If you have any questions, please call the contact person at the telephone number shown in the heading of this letter. If you write, please provide a telephone number and the most convenient time to call if we need to contact you.

Thank you for your cooperation.

Sincerely,

Nanette M. Downing
Director, EO Examinations

Enclosures:
Publication 892
Publication 3498
Report of Examination

Form 886A	Department of the Treasury - Internal Revenue Service Explanation of Items	Schedule No. or Exhibit
Name of Taxpayer		Year/Period Ended

ISSUES

- Whether _____ participated or intervened directly or indirectly in the _____ United States presidential election or the _____ senatorial election on behalf of or in opposition to any candidate during the taxable years ending June 30, _____ June 30, _____ or June 30, _____
- Whether the organization's exemption should be revoked effective July 1, _____ for engaging in prohibited political intervention.

FACTS

Background

The _____ (the " _____ or "organization") was recognized as an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code (the "Code") and classified as an organization that was not a private foundation because it was described in sections 509(a)(1) and 170(b)(1)(A)(vi) in an advance determination issued in October _____ Following the completion of its advance ruling period, it was issued a definitive ruling letter on October 11, _____ affirming its status under section 501(c)(3) and its classification as an organization that is not a private foundation because it is described in sections 509(a)(1) and 170(b)(1)(A)(vi).

The articles of incorporation of _____ state, in part, that the purposes of the organization are: "1. To support and encourage free speech, 2. To engage in other charitable and educational activity as determined by the Board of Directors and 3. To engage in any and all lawful activities incidental to the foregoing purposes except as restricted herein." The fifth section of the articles of incorporation states that "the corporation shall not participate in or intervene in any political campaign on behalf of any candidate for public office."

The organization operated two websites with similar names. In a response dated June 19, _____ to Information Document Request #5 dated April 11, _____ the organization states that the use of the first website, _____ was discontinued in late _____ because of its inability to update the website or contact the website administrator. The organization further states that the volunteer administrator became unavailable and the domain name was not owned or controlled by the _____ After unsuccessfully attempting to regain control of the website, _____ was created in December _____ and finalized for public _____

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use on April 17, The website was updated to direct viewers to the website in early

The majority of articles posted on were also posted on Articles dated after January 10, are posted only on

The response further stated that the organization maintains no other web page. However, this is inconsistent with the facts gathered during the examination. For example, fundraising solicitations (see, e.g., solicitations PHH15, KPph3, KPph4, KPph5 and KPph6 discussed *infra*) contain the statement "set up and maintained two internet addresses to collect petitions, publish my op-ed columns, and display footage of anti-American activities" or contain the website addresses and in the heading.

The Mission Statement posted on reads:

In support of the ideals of was formed to educate the public about his life and philosophy, and to support and promote Freedom of Speech, as well as the other Constitutional safeguards blessed to Americans in the Bill of Rights.

will assist in the uncovering of serious wrongdoing in the federal government, will promote and protect every citizen's right to know, to speak out, and to correct corruptions no matter where they may occur. will identify, encourage, support and protect those who believe in free speech, particularly as it applies to ethics and honesty in federal government.

To this end plans to educate the public through conferences, symposia, speaking events and other public fora. also intends to accomplish its goals and convey its message through the publication of pamphlets, newsletters, books and similar written methods and through other forms of media. Additionally, intends to promote the public's understanding of the media and its role in today's important issues.

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The organization was examined for the years ending June 30, June 30, and June 30,

Officers/Directors/Board Meetings

The organization's president and founder is Attachment C to the organization's Form 1023 dated September 18, listed as Director and President of the and his wife as Director and Secretary/Treasurer. No other officers were listed on Attachment C. The Forms 990 for the years ending June 30, June 30, and June 30, identify the only officer as

The Form 990 for the period ending June 30, indicates the organization has one officer, its President, and two Directors. In addition, the Form 990 indicates that the President devotes 30 hours per week to the organization and that each of the Directors devotes 10 hours per week. In a letter dated December 8, the organization states that the time devoted by the Directors was an error and that the correct time devoted by each is 10 hours per year.

The Form 990 for the period ending June 30, indicates that the organization has one officer, its President, four Directors, and one Deputy Executive Director. The President and Deputy Executive Director each devote 40 hours per week and each Director devotes 0.20 hours per week.

The Form 990 for the period ending June 30, indicates that the organization has one officer, its President, and four Directors. The President devotes 40 hours per week and each Director devotes 0.20 hours per week.

During the years ending June 30, and June 30, three board meetings were held on December 15, April 15, and December 16, . The minutes did not identify which board members attended, other than to say that all board members were present. The items discussed included programs and individual cases.

Activities Relating to the Presidential Election

1. Alerts

The organization's previously operated website, displayed articles titled " Alerts." Some of these articles were written prior to the tax years examined, but all were present on the organization's website during those years. The

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Alerts were written by the organization's president, and included logos of the at the beginning and end of each article. Many of the Alerts contain statements pertaining to candidates for the presidential election in . The following are excerpts taken from "ALERTS" on (the full text of the quoted Alerts is contained in Appendix A):

Clear Choice, February 4,

But articulated the most important difference between a and a second term made it clear that if elected would adopt the prior administration policies related to terrorism, treating most terrorist acts as violations of law. . . . Many national security experts are convinced that the law enforcement approach to worldwide fanatical terrorists failed dramatically

I hope we've had enough of the failed concepts for protecting our homeland

should be reelected for that reason alone. . . .

Heroic, February 12,

No amount of or anti-war activity kept out of the , so why should suffer from anti-war, anti-USA excesses? The answer is, won't. . . . The Anti-anti Communists flock to because and ilk had only compliments for the vicious leaders of North Vietnam. . . .

I'm quite certain will be a "hero" to today's peaceniks, anarchists and any others who hate America. But for more than 50,000 whose names appear on the is nothing but a skunk.

I'm willing to bet will have no trouble dealing with this coward.

GOP's Harsh Rhetoric?, February 18,

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What's said about each opponent during a political campaign is important, but perhaps just as important is how the rhetoric is "remembered" by those keeping score. . . .

Meanwhile, those on the [redacted] are calling the [redacted] a liar, a deserter and a moron; using over-the-top vicious rhetoric to vent their hatred at this decent [redacted] and [redacted] supporters.

And that's OK, if you're an emotional [redacted]. But let a [redacted] say the least negative thing about one of their candidates, and suddenly it's as if the world has been turned inside out.

Take [redacted] for example. The [redacted] are gleeful to trot out [redacted] war record and point to [redacted] decorations, conveniently ignoring the fact that [redacted] when [redacted] returned to the U.S. Moreover, [redacted] rushed to join [redacted] crusade to crucify the United States of America for having the nerve to try to stop the spread of deadly Communism.

Not satisfied with air-brushing [redacted] weird reversals, including bizarre testimony before Congress, when [redacted] - without any supporting evidence - the [redacted] then attacked [redacted] service.

It does not matter that [redacted] trained to fly a sophisticated jet fighter aircraft and committed to respond at a moment's notice to engage in aerial dogfights or drop bombs over enemy territory. None of that matters to [redacted]. They are determined to sully [redacted] military service record, even as they praise [redacted] courage in becoming an anti-war leader.

Needs to Answer, March 10,

The voters' most important decision during this year's campaign is to choose which candidate more efficiently handles national security and defense. . . .

Americans should not be criticized for asking good questions about [redacted]. Years after the worst attack ever launched against America, we are without a single new assault on our homeland, because [redacted].

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of this leadership. Despite this level of success, some say it's time for a change.

Why? Are we tired of being Safe? is soft on national defense, soft on intelligence agency funding and harsh on record. . . . It's ludicrous to suggest we change

Pumping Terrorism?, April 2,

Are OPEC nations joining forces with the terrorists and the camp? If their announced decrease in crude oil production goes as planned, gas prices will increase by at least 8 cents at the pump over the next few weeks, and will continue even higher over the long-term.

Continued oil production squeezing will drive gas prices to the breaking point. has already shifted blame to stating has not put enough pressure on OPEC to maintain crude oil production. . . .

Unfortunately, if promises otherwise ill-informed swing-voters lower gas prices at the pump, more than a few greedy, registered ignoramuses will follow him anywhere. . . .

But is capable of such a Machiavellian deed? Has ever aligned with America's enemies for own political gain? The answer in a word:

Out of Gas?, April 20,

like are perpetually obnoxious busybodies, but put them in a position of power and they become downright dangerous. The last time a like occupied the we ran out of gasoline. Remember the long gas lines of the late 's? I've got an idea; let's not go back to those bad old days of ! . . .

just wants the and apparently say anything to get the job.

Evidence, August 17,

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If heard flimsy case, not only would throw it out, probably would fine fifty dollars for annoying the court and wasting its precious time. In view of the absence of any real evidence, I think voters must assume true character is highly questionable.

Pesky Citizens Will Not Shut Up!, August 25,

has held out as a and suggests should be elected on that basis alone. has not talked about brilliance in college, because there was no brilliance. has not bragged about setting up and running a large business, because has never paid a payroll. has not spoken about years in the because there is nothing to talk about

Can't find any achievements and leadership qualities suggesting is material? How about anti-war, anti-American activities after returned from That would satisfy political base of pacifists and those who blame America first. Otherwise, all has to offer is which happened more than thirty years ago.

Phony Evidence, September 13,

As we are distracted by the claims and counterclaims about service to country (recall, flew a multimillion dollar fighter jet and was honorably discharged), the anniversary of September 11, passes. . . .

provided the leadership and made the correct personnel and policy decisions to ensure we would be able to head off future attacks. ideas and leadership have been the sole basis of our comfort and safety as the rest of the world faces unspeakable horror. . . .

The critics like to talk about but while our was acting frisky as a typical college student, young was

Hail Pass, September 23,

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has the voting record of a Sixties Hippie Pacifist, so how could possibly trot that out as a reason to be also participated in activities that some have said are traitorous when conspired with the enemy to give sworn testimony in front of Congress that

In a Sane World, October 8,

Have you noticed how the candidates for the are getting smaller and smaller? They are shallow in their experiences, but it's their lack of any plan that's so impressive. If or have a new or good idea, they have hidden it well. . . .

There are less than thirty days until the election, and we are a nation at war. It's a given that have the right stuff to wage effective and efficient wars, against terror and in the conventional sense. . . .

Too harsh, you say? How else do you explain that two lightweights, acting like used car salesmen with few sales to their credit, are running neck and neck with two real who rose to the occasion after back into their primitive caves and to the very depths of hell? . . .

We have seen as for the past four years. We know who is not. What else do we need to see, or hear?

2. Fundraising Solicitations

The organization also made statements relating to the election in its extensive fundraising solicitations. In response to information document requests, the organization provided copies of many of those fundraising solicitations along with their mailing dates and costs. Each solicitation closed with a reminder that any donations were tax deductible. The following are excerpts from mailings contained in Appendix A.

From four identical solicitations titled KPph3, mailed July 6, KPph4, mailed August 9, KPph5, mailed August 30, and KPph6, mailed September 27,

(The heading states "Americans for Truth About A Project of the and lists the websites and

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If you're outraged that _____ candidate
refuses to release _____ to the
American public, then please sign your enclosed
petition to

When _____ was recently asked to provide evidence of
attendance, _____ willingly produced dental records and
other evidence of _____ service.

But _____ refuses to answer critical questions about _____ short-lived
tour in _____ home, and _____ anti-American activities
after the _____ (emphasis in original)

I want to know what _____ is hiding. . . .

Why did _____ get a "free pass"

How did _____ avoid a

(emphasis in original)

And most importantly, what evidence of _____ anti-American activities and
ties to Communist sympathizers is contained in _____ secret FBI file that was
compiled by FBI agents who monitored _____ for more than a year? . . .

Some say _____ is a shameless opportunist who denounced
_____ to get into Congress and is now reinventing _____ as
a war hero to get into the

And it's up to you and me to make sure the American people know the
truth about _____ before it's too late. (emphasis in original)

The last thing America needs is another liar in the

That's why I'm launching a very special project of The
in these last months before the _____ election:

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My goal? To find out the truth about shady "service"
 in ... "free pass" home...and ties to anti-American
 Communist sympathizers when got back.

But we are running out of time to expose lies. (emphasis in original)

Recent polls show that is running neck and neck with
 in the campaign.

But while has politely answered every question about his
 service in the ... (emphasis in original)

From a solicitation titled PHH13, mailed August 3,

I have concluded that today's are alike in two important ways:
are common liars and thieves! (emphasis in original)

... The fallout here in is still resonating now that we all
 know that [sic],
 is under FBI criminal investigation for

[sic] is consultant and spokesman on
 national security affairs! ...

Incredibly, a significant number of these "forgetful" Americans would
 actually consider giving another chance to lead this nation from
 the (emphasis in original)

After left after a short term as a naval officer, then
 engaged in a highly destructive, violently anti-American effort to force the
 United States to abandon our fight against World Communism.

While engaged in activity that many would consider treasonous,
 became the subject of a major FBI investigation! ...

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We have already devoted significant resources to a new webpage, and we will continue to appear on various media outlets to get the word out. . . .

PS, please send your most generous "summertime" gift and we'll continue our important missions without pause. Together we'll keep the liars and thieves out of power! (emphasis in original)

From a solicitation titled UBph1, mailed August 11,

may be out of the but another power couple is shelling out millions of dollars to take it back over.

Yes, I'm talking about and . . .

Just like are who want to destroy the America you and I love. (emphasis in original) . . .

may call a but shameful voting record exposes for the really is:

A tax-and-spender who voted against middle-class tax cuts.

A weak-kneed "leader" who voted to slash our defense spending and gut the CIA.

A so-called "man of faith" who voted in favor of the gruesome partial-birth abortion procedure. . . .

Make no mistake: is every bit as dangerous as

From a solicitation titled PHH15, mailed October 28,

With the Election just one week away – I am facing an Emergency. Here's why: As you know, your has spent the past eight months waging a petition campaign to demand that release secret to the American Public - - and find out once and for all what been hiding from us. (emphasis in original)

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I . . . joined with the _____ in exposing _____ ties to anti-American communist sympathizers. . . .

You can – and should – feel very proud of the role you played in helping the _____ expose the real _____

Can you help the _____ Honor our debts from our "Expose campaign with a tax-deductible gift of _____ or _____ today? . . .

And if _____ wins the _____ we must be prepared to alert Americans to any and every left-wing assault on our national security, our sovereignty, and our U.S. Constitution!

Activities Relating to the _____ Election

Shortly after the _____ presidential campaign ended, the organization began making statements opposing _____ campaign for re-election in _____. These statements included two fundraising solicitations, PHH-16 Low\$, dated December 10, and Item PHH-16 High\$, dated December 15 _____. These solicitations are included in Appendix B and contained the statement:

You and I know _____ is coming and we must be ready for _____ can be defeated in _____ as _____ tries to be elected _____ from the state of _____. But, everyone expects _____ to be the _____ first choice to run for the _____ in _____ I will be here to fight _____ every inch of the way, but only with your continued financial backing. (emphasis in original)

Similar statements appeared in the organization's newsletter, _____, and on the _____ website. The front page of the July _____ edition of _____ contains an article, reprinted from an April 13, _____ post on the _____ entitled _____!" This article is included in Appendix B and contained the following statements:

Is it too soon to get agitated about the possibility of _____ running for _____ in _____. Not according to the head of _____. In a recent fundraising letter he wrote, "It's a race for America . . . stopping _____ is the most important thing you and I can do as _____ in the next two years."

_____ went on to remind his readers that it is the duty of _____ to stop _____ quest by running _____ out of the _____ it

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might be helpful if the would focus on a few good candidates who could replace but it's a step in the right direction to remind voters who really are. . . .

What will be effective if is to be defeated in and again in is to inform voters not only about actual political agenda, but also actual atrocious conduct. . . .

There may not be a party for political activists who work to keep from power – but they will march forth with a passion because they know the country will be better off without in the

LAW

Section 501(c)(3) of the Internal Revenue Code ("the Code") provides, in part, that an organization is exempt if it is both organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes and if it does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

Section 1.501(c)(3)-1(c)(1) of the Federal Income Tax Regulations ("the Regulations") states:

An organization will be regarded as "operated exclusively" for one or more exempt purposes only if it engages primarily in activities which accomplish one or more of such exempt purposes specified in section 501(c)(3). An organization will not be so regarded if more than an insubstantial part of its activities is not in furtherance of an exempt purpose.

Section 1.501(c)(3)-1(c)(3)(i) of the Regulations provides that an organization is not operated exclusively for one or more exempt purposes if it is an "action" organization. Section 1.501(c)(3)-1(c)(3)(iii) provides:

An organization is an "action" organization if it participates or intervenes, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office. The term "candidate for public office" means an individual who offers himself, or is proposed by others, as a contestant for an elective public office, whether such office be national,

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State, or local. Activities which constitute participation or intervention in a political campaign on behalf of or in opposition to a candidate include, but are not limited to, the publication or distribution of written or printed statements or the making of oral statements on behalf of or in opposition to such a candidate.

Government's Position

General Summary

The organization has demonstrated a deliberate and consistent pattern of support for and opposition to various candidates for public office, and engaged in these activities during the _____ election and the _____ election. This is a violation of the prohibition on political campaign intervention in section 501(c)(3) of the Code.

Intervention in _____ Election

The organization intervened in the _____ election by making numerous statements on its websites and in its fundraising solicitations which opposed _____ and _____ and endorsed _____ and _____ for the offices of _____ and _____. Some of these statements were explicit, such as "_____ should be reelected for that reason alone," "It's ludicrous to suggest we change _____," and "it's up to you and me to make sure the American people know the truth about _____ before it's too late. The last thing America needs is another liar in the _____." Others contained more general statements supporting or opposing candidates.

General statements made in opposition to _____ candidacy in the months leading up to the November election include an April 20, _____ statement that "The last time a guy like _____ occupied the _____ we ran out of gasoline . . . let's not go back to those bad old days of _____," an August 17, _____ statement that "I think voters must assume _____ true character is highly questionable," an August 25, _____ statement that _____ lacked leadership qualities and that "all _____ has to offer is _____ short tour in _____ which happened more than thirty years ago." The organization also made statements supporting the candidacy of _____ such as "_____ ideas and _____ leadership have been the sole basis of our comfort and safety as the rest of the world faces unspeakable horror." In addition, the organization unfavorably compared _____ and _____ with _____ and _____, through statements such as "We have seen _____ as _____ for the past four years. We know who _____ is _____"

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not. What else do we need to see, or hear?," "But while _____ has politely answered every question about _____ service in the _____, refuses to tell the truth by releasing _____ military records, military file and FBI file!," and "How else do you explain that two lightweights, acting like used car salesmen with few sales to their credit, are running neck and neck with two real men who rose to the occasion after September 11, _____, driving the terrorists back into their primitive caves and to the very depths of hell?"

All of these statements were either made or were available after the primaries had begun in January of _____ and all of the individuals mentioned were on the ballots in those primaries and, therefore, candidates for public office. These statements, as well as the large number of similar statements contained in Appendix A, demonstrate the organization's support for _____ and its opposition to _____ and were published as website and newsletter articles or distributed in the form of printed solicitation notices at numerous times in the months leading up to the _____ election. Therefore, the organization engaged in prohibited political campaign intervention during the _____ election campaign.

Intervention in _____ Election for _____ in _____

The organization intervened in the _____ election for U.S. Senate in _____ by making statements that urged _____ defeat. These statements were published on the organization's website and in the organization's newsletter in articles entitled _____!" The articles contain statements opposing _____ in the _____ election, including "What will be effective if _____ is to be defeated in _____ and again in _____ is to inform voters not only about actual political agenda, but also _____ actual atrocious conduct."

Additionally, the December 10, _____ and December 15, _____ fundraising solicitations (PHH 16 Low \$ and PHH 15 High \$) opposed _____ candidacy by stating:

You and I know _____ is coming and we must be ready for _____ can be defeated in _____ as _____ tries to be elected _____ from the state of _____. But, everyone expects _____ to be the _____ first choice to run for the _____ in _____ I will be here to fight _____ every inch of the way, but only with your continued financial backing.

_____ was a candidate for re-election in _____. Indeed, _____ had maintained a re-election website since _____ as well as a political action committee for purposes of _____

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promoting candidacy. Therefore, was a candidate for public office when these statements were published.

Through the above statements published on the organization's website and in its newsletter and fundraising solicitations, the organization demonstrated its opposition to candidacy for the and, therefore, engaged in prohibited political campaign intervention during the election for in

Taxpayer's Position

The organization has asserted that many of its statements were published to "illustrate the dangers for individuals if they choose to come forward to reveal a controversial or unpopular truth." The organization asserts that its statements about the character of various candidates could be interpreted differently by different people and may have been considered unimportant. Finally, the organization asserts that many of its statements do not contain statements that a person should vote for or against any candidate. With regard to the fundraising solicitations, the organization has also asserted that they were sent solely for fundraising purposes and not to influence an election and that no funds received from such solicitations were used for campaign intervention.

RECOMMENDATION

The organization engaged in prohibited political intervention in the election and the election for in The organization published a series of written statements favoring the candidacy of and opposing the candidacies of and throughout the relevant political campaigns. These written, published statements therefore constitute intervention in a political campaign.

The taxpayer's assertions that its statements were used to illustrate the dangers of whistleblowing, that the character traits highlighted could be either positive or negative, that no explicit mention of voting was included, and that some statements were made solely for fundraising purposes, do not alter this conclusion. As set forth above, the organization made repeated statements supporting or opposing various candidates by expressing its opinion of the respective candidate's character and qualifications. The statements included explicit support for re-election and disparaging remarks about and fitness for office. These constitute statements for or against a candidate, and therefore political campaign intervention, regardless of whether the readers of the statements agree. There is no requirement under the section 501(c)(3) prohibition on political campaign intervention that such

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statements explicitly reference voting and there is no exception for fundraising solicitations.

The organization has shown a pattern of deliberate and consistent intervention in political campaigns in violation of section 501(c)(3) of the Code and section 1.501(c)(3)-1(c)(3)(i)(iii) of the regulations. Therefore, it is recommended that the exempt status of the organization be revoked effective July 1,