



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

May 11, 2021

The Honorable Charles P. Rettig
Commissioner
Internal Revenue Service
1111 Constitution Ave., N.W.
Washington, DC 20224

By electronic mail (IRS.Commissioner@IRS.gov) and First Class mail

Re: Complaint against Coalition for a Safe Secure America

Dear Commissioner Rettig:

Citizens for Responsibility and Ethics in Washington (“CREW”) respectfully requests the Internal Revenue Service (“IRS”) investigate whether Coalition for a Safe Secure America, a nonprofit organization exempt from taxation pursuant to section 501(c)(4) of the Internal Revenue Code (“Code”), violated federal law by failing to properly disclose hundreds of thousands of dollars, and possibly much more, the organization spent on political activity in 2018.¹

In the days leading up to the 2018 election, Coalition for a Safe Secure America spent more than \$200,000 on Facebook ads targeting state and federal candidates in at least four states. The organization also may have spent more than that on political activity. The group reported on its 2018 tax return spending more than \$2 million on direct mail in 2018, and news reports connected the organization to anonymous mailers targeting some of the same candidates and focusing on some of the same issues as the Facebook ads. On its 2018 tax return, however, Coalition for a Safe Secure America represented that it did not engage in any political activities and failed to disclose any activity on the IRS form used to report political expenditures.

Coalition for a Safe Secure America’s Political Activity

Coalition for a Safe Secure America is a nonprofit organization established in Washington, DC in 2017.² Christopher Haggard is the treasurer and sole director of the group.³

Beginning on October 26, 2018 and running through November 6, 2018, which was Election Day, Coalition for a Safe Secure America paid for Facebook ads criticizing

¹ CREW submits this letter in lieu of Form 13909; a copy is being sent to the Dallas office.

² Coalition for a Safe Secure America, 2018 Form 990, <https://bit.ly/3rCBeYk>. The organization’s Employer Identification Number (“EIN”) is identified as 82-2980298, and its most recent mailing address is listed as 1032 15th Street, NW, Suite 179, Washington, DC, 20005. *Id.*, at 1.

³ *Id.*, Part VII, Section A, Line 1.

candidates in Indiana, Missouri, Montana, and Oregon.⁴ Coalition for a Safe Secure America ran the ads using four different page names: Coalition for a Safe Secure America – Missouri, Coalition for a Safe Secure America - Indiana, Coalition for a Safe Secure Oregon, and Coalition for a Safe Secure America - Montana.⁵ In addition, ads ran on another Facebook page with a very similar name, Coalition for a Safe and Secure America, between October 24, 2018 and November 6, 2018 criticizing a candidate in Nevada.⁶ That page appears to have been run by Coalition for a Safe Secure America.⁷

Missouri Facebook Ads

In Missouri, Coalition for a Safe Secure America spent \$168,928 on Facebook advertisements either criticizing then-Missouri Attorney General Josh Hawley (R), the Republican candidate for U.S. Senate, or promoting the independent candidate running in the race, attorney Craig O’Dear.⁸ Rather than expressly call for the election or defeat of the candidates in the upcoming Senate election, each of the ads praised or attacked them with generic calls to action vaguely related to policy issues. The anti-Hawley ads either criticized his ties to lobbyists and special interests or suggested he was in favor of increased gun control and tariffs. The pro-O’Dear ads, on the other hand, praised his conservative bonafides on issues like gun rights and term limits. The ads ran between October 26, 2018 and Election Day.

None of the anti-Hawley ads included any references to specific legislation or any specific action Hawley could take in his then-position of Missouri Attorney General. One ad stated that Hawley had “worked at a DC lobbying firm” and that “shady corporate interest groups are backing his campaign while he flies around on a lobbyist’s private plane.”⁹ The ad’s framing text encouraged viewers to call Hawley “and tell him to get secret corporate contributions out of politics” while text superimposed on the ad’s visual stated, “Tell Josh Hawley to reveal his shady corporate backers.”¹⁰ Another ad featured a video with a narrator saying, “lobbyists and special interests love Josh Hawley. Tell him he needs to work for us, not special interests.”¹¹ One of the gun-related anti-Hawley ads featured text stating that “Josh Hawley is a pro-government gun control, career politician” and encouraging viewers

⁴ Facebook, Ads from Coalition for a Safe Secure America – Missouri, <http://bit.ly/3tjQtGa>; Facebook, Ads from Coalition for a Safe Secure America - Indiana, <http://bit.ly/3eLzYyH>; Facebook, Ads from Coalition for a Safe Secure Oregon, <http://bit.ly/3vwc2oF>; Facebook, Ads from Coalition for a Safe Secure America - Montana, <http://bit.ly/3vtOMOy>.

⁵ *Id.* The disclaimers on nearly all the ads state they were “Paid for a Coalition for a Safe Secure America,” demonstrating they can be attributed to organization despite adding each state name. *Id.*

⁶ Facebook, Ads from Coalition for a Safe and Secure America. See <http://bit.ly/3f7GPT7>.

⁷ Despite the slight difference in names, the connection to Coalition for a Safe Secure America is supported by the fact that image in Coalition for a Safe and Secure America’s Facebook profile picture labels the group “Coalition for a Safe Secure America.” Facebook, Coalition for a Safe and Secure America, Political Organization, ID: 237651000237566, <http://bit.ly/2ORBrjf>.

⁸ Facebook, Ads from Coalition for a Safe Secure America – Missouri; Will Schmitt, Missouri Senate Candidate Craig O’Dear hopes independents could cure hyper-partisanship, *Springfield News-Leader*, Sept. 24, 2018, <http://bit.ly/3eNwMLR>.

⁹ Facebook, Ads from Coalition for a Safe Secure America – Missouri; Coalition for a Safe Secure America – Missouri, Facebook Ad Oct 26, 2018 – Nov 6, 2018, ID: 560772041011769, Facebook, <http://bit.ly/3s72aQ4>.

¹⁰ *Id.*

¹¹ Facebook, Ads from Coalition for a Safe Secure America – Missouri; Coalition for a Safe Secure America – Missouri, Facebook Ad Oct 26, 2018 – Nov 6, 2018, ID: 347025069401098, Facebook, <http://bit.ly/38MRL4O>.

to contact Hawley to tell him to “stand up for your right to bear arms.”¹² At least one of Coalition for a Safe Secure America’s anti-Hawley ads, which asserts that “instead of standing up for Missouri, Josh Hawley supports the tariffs hurting local farmers and factories,” appears to use footage from one of Hawley’s own campaign ads.¹³

Likewise, the pro-O’Dear ads did not reference specific legislation and could not specify any particular action he could take in his then-current role because he did not hold public office at the time. Instead, the ads presented him as a “conservative businessman” who was “pro-term limits and reform” and “Pro-2nd Amendment Rights” while encouraging viewers to tell him “to keep fighting for your rights.”¹⁴ A video ad promoting O’Dear declared that he “knows the Second Amendment is non-negotiable” and that “as a lifelong gun owner and real conservative, he’ll stand up to liberals and protect our right to bear arms.”¹⁵ The ad closed by encouraging viewers to tell O’Dear to “keep fighting to protect our rights.”¹⁶

Indiana Facebook Ads

In Indiana, Coalition for a Safe Secure America spent \$21,193 on advertisements criticizing then-former state Rep. Mike Braun (R), who had resigned his seat in 2017 to focus on his run for U.S. Senate.¹⁷ The ads did not expressly advocate for his defeat in the upcoming Senate election, but attacked Braun’s record in the Indiana House of Representatives without referring to any specific pending legislation or specific action Braun could take in his then-capacity as a former lawmaker.¹⁸ The ads ran between October 30, 2018 and Election Day.

Coalition for a Safe Secure America’s anti-Braun Facebook ads featured a video in which the narrator labeled Braun “Tax Hike Mike,” stating he “says he’s a conservative” before asking, “so why did Braun vote to raise taxes and fees 45 times last year and help pass the largest tax hike in state history?”¹⁹ The ad, which appears to feature footage from Braun’s own campaign commercials, closed by encouraging viewers to contact Braun to tell him “no more tax hikes.”²⁰

¹² Facebook, Ads from Coalition for a Safe Secure America – Missouri; Coalition for a Safe Secure America – Missouri, Facebook Ad Oct 30, 2018 – Nov 1, 2018, ID: 345914726159953, Facebook, <http://bit.ly/3qU2GQe>.

¹³ Facebook, Ads from Coalition for a Safe Secure America – Missouri; Facebook, Ads from Coalition for a Safe Secure America – Missouri Facebook, Ads from Coalition for a Safe Secure America – Missouri, Facebook Ad Oct 30, 2018 – Nov. 6, 2018, ID: 332173400667104, Facebook, <http://bit.ly/3f4oYfp>; YouTube, Josh Hawley, “Circus,” Oct. 3, 2018, <https://bit.ly/3vP5lyi>.

¹⁴ Facebook, Ads from Coalition for a Safe Secure America – Missouri; Coalition for a Safe Secure America – Missouri, Facebook Ad Oct 31, 2018 – Nov 1, 2018, ID: 474468929710213, Facebook, <http://bit.ly/3f3aRYn>; Coalition for a Safe Secure America – Missouri, Facebook Ad Oct 30, 2018 – Nov 4, 2018, ID: 951853118352763, Facebook, <http://bit.ly/3rXOhFN>.

¹⁵ Facebook, Ads from Coalition for a Safe Secure America – Missouri; Coalition for a Safe Secure America – Missouri, Facebook Ad Oct 30, 2018 – Nov 6, 2018, ID: 1954126628009997, Facebook, <http://bit.ly/3bZcTGW>.

¹⁶ *Id.*

¹⁷ Facebook, Ads from Coalition for a Safe Secure America - Indiana; Mike Grant, Caucus set to fill District 63 House seat, *Washington Times Herald*, Oct. 24, 2017, <http://bit.ly/2OSZ2ce>.

¹⁸ *Id.*; Coalition for a Safe Secure America - Indiana, Facebook Ad Nov 1, 2018 – Nov 2, 2018, ID: 2246783652204643, Facebook, <http://bit.ly/3eWcJSt>.

¹⁹ *Id.*

²⁰ *Id.*; YouTube, Mike Braun for Indiana, “Made in America,” Mar. 5, 2018, <https://bit.ly/3tI8Tk4>; YouTube, Mike Braun for Indiana, “Lives are at stake. We must protect the border,” Feb. 21, 2018, <https://bit.ly/2NFIuT>.

Oregon Facebook Ads

In Oregon, Coalition for a Safe Secure America spent \$17,330 on advertisements criticizing then-state Rep. Knute Buehler, a Republican candidate for governor.²¹ The ads did not expressly call for his defeat in the upcoming gubernatorial election, but attacked Buehler's record in the state legislature without referencing any specific pending legislation.²² The ads ran between October 30, 2018 and Election Day.

Coalition for a Safe Secure America's anti-Buehler Facebook ads featured a video in which a narrator declared that "Knute Buehler is no conservative" because "he's pro-choice and supports using state funds for abortions."²³ The ad continued that Buehler had "repeatedly voted against gun rights and even endorsed mandatory waiting periods" before closing with an encouragement for viewers to "tell Knute Buehler those aren't conservative values."²⁴

Montana Facebook Ads

In Montana, Coalition for a Safe Secure America spent \$1,311 on advertisements criticizing then-state Auditor Matt Rosendale (R), the Republican candidate for the U.S. Senate.²⁵ The ads did not expressly call for his defeat in the upcoming Senate election, but attacked Rosendale on various policy issues without mentioning specific legislation or any specific action Rosendale could take in his then-position of state auditor.²⁶ In addition, none of the ads featured a call to action.²⁷ The ads ran between October 31, 2018 and Election Day.

One of Coalition for a Safe Secure America's anti-Rosendale ads featured an image of a man who looks like Rosendale aiming a rifle at an American flag accompanied by text saying, "Matt Rosendale is taking aim at your liberty."²⁸ The ad appears to use footage from one of Rosendale's commercials from a previous campaign.²⁹ Another ad stated that "Matt Rosendale supports drone monitoring" while a third one asserted that Rosendale was "zeroing in on your privacy rights."³⁰

²¹ Facebook, Ads from Coalition for a Safe Secure Oregon; Dirk VanderHart, Knute Buehler Says he's A Different Kind Of Republican, *OPB*, Oct. 1, 2018, <http://bit.ly/3ccxdVg>.

²² Facebook, Ads from Coalition for a Safe Secure Oregon; Coalition for a Safe Secure Oregon, Facebook Ad Oct. 30, 2018 — Nov. 6, 2018, ID: 490459104806799, Facebook, <http://bit.ly/3cYlhFP>.

²³ *Id.*

²⁴ *Id.*

²⁵ Facebook, Ads from Coalition for a Safe Secure America - Montana; James Arkin, Rosendale wins Montana GOP primary to take on Tester, *Politico*, Jun. 6, 2018, <http://politi.co/3lI5vTo>.

²⁶ Facebook, Ads from Coalition for a Safe Secure America - Montana.

²⁷ *Id.*

²⁸ *Id.*; Coalition for a Safe Secure America - Montana, Facebook Ad Oct. 31, 2018 — Nov. 4, 2018, ID: 306032950000199, Facebook, <http://bit.ly/3rfx5bN>.

²⁹ *Id.*; YouTube, CNN, "Candidate shoots drone in ad," Apr. 22, 2014, <https://bit.ly/2RU3KI7>.

³⁰ Facebook, Ads from Coalition for a Safe Secure America - Montana; Coalition for a Safe Secure America - Montana, Facebook Ad Oct. 31, 2018 — Nov. 4, 2018, ID: 1897232867064335, Facebook, <http://bit.ly/2PmBiOh>; Coalition for a Safe Secure America - Montana, Facebook Ad Oct. 31, 2018 — Nov. 4, 2018, ID: 528287080916750, <http://bit.ly/3sfHrdh>.

Nevada Facebook Ads

In Nevada, Coalition for a Safe and Secure America spent \$27,900 on advertisements criticizing then-Sen. Dean Heller (R), who was up for re-election in 2018.³¹ The ads did not expressly call for his defeat in the upcoming Senate election, but attacked Heller on the issue of immigration without mentioning specific legislation.³² The ads ran between October 24, 2018 and Election Day.

Coalition for a Safe and Secure America's anti-Heller ads featured a narrator asking, "Dean Heller, who do you work for?" before asserting that "at the request of big money special interests, Heller allowed almost 200,000 foreign workers a backdoor entry into our country."³³ The ad closed with on-screen text encouraging viewers to "Call Senator Dean Heller and tell him to stop the H2B visa program."³⁴

Direct Mail

Around the same time that Coalition for a Safe Secure America was paying for candidate-focused Facebook ads, several of the same candidates were targeted by anonymous direct mail pieces.³⁵ Though the mailers did not include a disclaimer naming who paid for them, the *Kansas City Star* reported that mailers criticizing Hawley "appear to be connected to a group called Coalition for a Safe Secure America, which has run Facebook ads against Hawley and other anonymous mailers attacking GOP senate candidates in Montana and Indiana."³⁶ After noting that the "mailers are similar to ones circulating in Montana and Indiana," the *Star* reiterated that the "ads appear to be the work of Coalition for a Safe Secure America," which had "run 21 different Facebook video ads in Missouri, some with the same messaging and stock images as the mailers circulating Missouri."³⁷

Specifically, the *Star* described one mailer that attacked Hawley by claiming he "wants to make it harder to buy guns" while describing O'Dear as a "tireless defender of our 2nd Amendment rights."³⁸ Another mailer described by the newspaper told recipients that they couldn't rely on Hawley "to protect our gun rights" while contrasting his positions on the issue with another third party candidate in the Senate race, Libertarian Japheth

³¹ Facebook, Ads from Coalition for a Safe and Secure America; James DeHaven, [Meet Dean Heller, the Republican senator now locked in the re-election fight of his life](http://bit.ly/2NR12I2), *Reno Gazette-Journal*, Oct. 22, 2018, <http://bit.ly/2NR12I2>.

³² Facebook, Ads from Coalition for a Safe and Secure America.

³³ Coalition for a Safe and Secure America, Facebook Ad Oct. 24, 2018 — Nov. 1, 2018, ID: 328973907906683, Facebook, <http://bit.ly/39bl9BJ>.

³⁴ *Id.*

³⁵ Karl Evers-Hillstrom, [Democrats and Republicans deceptively propped up third-party candidates](http://bit.ly/3f7zNxG), *OpenSecrets*, Nov. 9, 2018, <http://bit.ly/3f7zNxG>. Kurt Erickson, [Anonymous mailers in Missouri's tight Senate race generate calls for an investigation](http://bit.ly/2POfOGC), *St. Louis Post-Dispatch*, Nov. 2, 2018, <http://bit.ly/2POfOGC>.

³⁶ Jason Hancock, [Anonymous ads attack Josh Hawley on guns and Greitens](http://bit.ly/3IHxIP8), *Kansas City Star*, Oct. 31, 2018, <http://bit.ly/3IHxIP8>.

³⁷ *Id.*; see also Evers-Hillstrom, *OpenSecrets*, Nov. 9, 2018 ("The mailers — along with Facebook ads supporting conservative third-party candidates and attacking Republicans in Missouri, Montana, Oregon and Indiana — were sent out by the Coalition for a Safe Secure America, an unknown organization that is not registered with the Federal Election Commission (FEC).").

³⁸ *Id.*

Campbell.³⁹ The paper also reported that a third mailer criticized Hawley for calling on now-former Missouri Gov. Eric Greitens to resign in the face of multiple scandals.⁴⁰ “Josh Hawley led a witch hunt against Governor Eric Greitens,” the mailer stated.⁴¹ The mailer also claimed Hawley “unfairly attacked Governor Greitens before he had all the facts, like Washington liberals attacked Judge Kavanaugh.”⁴²

A Hawley supporter posted a photograph online of these and several similar mailers.⁴³ One of the mailers posted by the supporter claimed that Hawley “supports the tariffs that are devastating Missouri’s farmers and workers” and that he “[r]efuses to stand up for Missourians who have been hurt by tariffs.”⁴⁴ The same mailer promoted Libertarian Campbell as supporting “ending the farm-killing tariffs that are hurting everyday Missourians.”⁴⁵ Another mailer posted by the Hawley supporter stated that Hawley “refuses to support efforts to crack down on lobbyists’ influence in Jefferson City,” asking, “Who is Josh Hawley fighting for?”⁴⁶

Though the mail pieces did not identify Coalition for a Safe Secure America — or anyone else — as the sender, they may be part of the nonprofit’s significant spending on “direct mail” in 2018. As noted above, press reports linked the mailers to Coalition for a Safe Secure America, and they focused on many of the same issues, including gun rights, tariffs, and lobbyists, as the group’s anti-Hawley Facebook ads. On its 2018 Form 990, Coalition for a Safe Secure America reported that it spent \$2,056,923 on “direct mail.”⁴⁷ Those expenditures were made through a political consulting firm, Greenlight Media Strategies, that describes one of its services as creating “persuasion- and-turnout focused direct mail.”⁴⁸

Additional Indications of Political Activity

The political nature of Coalition for a Safe Secure America’s activities is further buttressed by one of the organization’s major funders that characterized the purpose of its contributions to Coalition for a Safe Secure America as political activity. Majority Forward also is a section 501(c)(4) nonprofit organization, and is permitted to make limited contributions to section 527 political organizations and to other tax-exempt organizations to be used for political activities. On its 2018 Form 990, covering June 1, 2018 to May 31, 2019, Majority Forward disclosed making contributions to Coalition for a Safe Secure America.⁴⁹ Notably, Majority Forward appropriately disclosed those contributions on Schedule C, which is used to disclose political expenditures, as well as on Schedule I, which is used to

³⁹ *Id.*; Will Schmitt, [Springfield man announces Libertarian bid for U.S. Senate](http://bit.ly/31geeTq), *Springfield News-Leader*, Mar. 5, 2018, <http://bit.ly/31geeTq>.

⁴⁰ Hancock, *Kansas City Star*, Oct. 31, 2018.

⁴¹ *Id.*

⁴² *Id.*

⁴³ R. Alexander Stephan (@Robaleste), Twitter (Nov. 5, 2018), <https://twitter.com/Robaleste/status/1059328511813541890>; Evers-Hillstrom, *OpenSecrets*, Nov. 9, 2018.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Coalition for a Safe Secure America, 2018 Form 990, Part I, Line 18 and Part IX, Line 24d.

⁴⁸ *Id.*, Part VII, Section B; Stephen Elliott, [Briley aids join consulting firm](http://bit.ly/3riVLQI), *Nashville Post*, Oct. 3, 2019, <http://bit.ly/3riVLQI>; Greenlight Media Strategies, “Our Services,” <http://bit.ly/2P7uUtM>.

⁴⁹ Majority Forward, 2018 Form 990, Schedule C and Schedule I, <https://bit.ly/3tOtO4n>.

disclose grants to other organizations.⁵⁰ On its Schedule C, Majority Forward disclosed spending a total of \$45,559,818 on all of its “political campaign activity expenditures,” including \$4,897,347 in “funds contributed to other organizations for section 527 exempt function activities.”⁵¹ In the section listing specific recipients of those funds, Majority Forward reported giving \$2,697,000 to “Coalition for a Safe and Secure America.”⁵²

Coalition for a Safe Secure America’s Representations to the IRS

As a section 501(c)(4) tax-exempt organization, Coalition for a Safe Secure America is required to file annual Form 990 tax returns. Tax-exempt organizations engaged in any “direct or indirect political campaign activities on behalf of or in opposition to candidates for public office” also must file a Schedule C with their tax returns, which requires disclosure of the amount spent on “political expenditures.”⁵³ Among other things, Schedule C is used by the IRS to track political activity and ensure section 501(c)(4) organizations pay tax on those activities.⁵⁴ “Political expenditures” include all “political campaign activities” – defined as “[a]ll activities that support or oppose candidates for elective federal, state, or local public office.”⁵⁵

According to Coalition for a Safe Secure America’s 2018 Form 990, signed by Mr. Haggard on November 15, 2019 under penalty of perjury, the group spent a total of \$4,065,000 in calendar year 2018.⁵⁶ The organization further reported that, among other things, it spent \$2,056,923 on “direct mail,” \$631,145 on “polling/research,” \$558,000 on “digital advertising,” \$337,495 on “media advertising/production,” \$191,156 on “contributions,” and \$10,000 on “telephone calls.”⁵⁷

On its 2018 Form 990, Coalition for a Safe Secure America also asserted the group did not engage in any “direct or indirect political campaign activities on behalf of or in opposition to candidates for public office.”⁵⁸ It also failed to file a Schedule C reporting the amount it spent on political expenditures with its tax return.⁵⁹

⁵⁰ *Id.* On its Schedule C, Majority Forward reported giving to “Coalition for a Safe and Secure America” and on its Schedule I reported giving to “Coalition for a Safe Secure America.” The listings on each Schedule used the same EIN, 82-2980298, and address, 1032 15th Street NW Suite 179, Washington, DC 20005, for the recipient organization. As noted above, that is the same information listed by Coalition for a Safe Secure America on its 2018 Form 990.

⁵¹ *Id.*, Schedule C, Part I-A, Line 2 and Part I-C, Line 2. Section 527 exempt function activities includes all activities that “influenc[e] or attempt[] to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors.” 26 U.S.C. § 527(e)(2).

⁵² *Id.*, Schedule C, Part I-C, Line 5. Despite using the name with “and” in it, this is the EIN and address listed on Coalition for a Safe Secure America’s 2018 Form 990.

⁵³ Form 990, Part IV, Question 3; 2017 Instructions for Form 990, at 12; 2017 Instructions for Schedule C, at 1, 3.

⁵⁴ *See, e.g.*, Letter from Steven T. Miller, Deputy Commissioner for Services and Enforcement, to Sen. Carl Levin, Aug. 24, 2012, *reprinted in* 158 Cong. Rec. S.6431 (daily ed. Sept. 19, 2012) and available at <https://www.congress.gov/112/crec/2012/09/19/CREC-2012-09-19-pt1-PgS6428.pdf> and https://www.governmentattic.org/13docs/IRSresponsesToCongress_2012-2013U.pdf (beginning at 260); 26 U.S.C. § 527(f).

⁵⁵ 2018 Instructions for Schedule C, at 1; 2018 Instructions for Form 990, at 68.

⁵⁶ Coalition for a Safe Secure America, 2018 Form 990, Part I, Line 18.

⁵⁷ *Id.*, Part IX, Line 24d and Schedule O.

⁵⁸ *Id.*, Part IV, Question 3.

⁵⁹ *Id.*

Coalition for a Safe Secure America's advertising expenditures targeting candidates in Missouri, Indiana, Oregon, Montana, and Nevada almost certainly constitute political activity. Advertisements and other communications that support or oppose a candidate but stop short of expressly advocating for or against the candidate's election can constitute political campaign intervention. In Revenue Ruling 2007-41, the IRS promulgated guidance on the distinction between issue advocacy and political campaign intervention. The IRS takes into consideration all the facts and circumstances of a particular communication and identified the key factors as: (1) whether the statement identifies one or more candidates; (2) whether the statement expresses approval or disapproval for a candidate's position; (3) whether the statement is delivered close to an election; (4) whether the statement makes reference to voting or an election; (5) whether the issue addressed has been raised as an issue distinguishing candidates for an office; (6) whether the communication is part of an ongoing series of communications by the organization on the issue that are made independent of the timing of any election; and (7) whether the timing of the communication is related to a non-electoral event such as a scheduled vote on specific legislation by an officeholder running in an election.

Coalition for a Safe Secure America's Facebook advertisements exhibit nearly all of these factors. Importantly, all of the communications identified candidates, expressed approval or disapproval of their positions, were delivered in the days immediately preceding an election, and were not timed to any non-electoral event such as a scheduled vote on specific legislation. In fact, two of the candidates named in the organization's Facebook ads were not officeholders at the time the advertisements aired, meaning there was no specific action they could be lobbied to take at the time. None of the ads appear to be part of an ongoing series of communications by Coalition for a Safe Secure America on the various issues they address. The ads began running no earlier than October 24, 2018 and ended before or on Election Day, November 6, 2018.⁶⁰ Beyond the activity immediately preceding the 2018 election, Coalition for a Safe Secure America does not appear to have any other discernible public activity. The *Kansas City Star* noted in late 2018 that the organization's website said it was still "under construction."⁶¹ More than two years later, that status has not changed.⁶²

In addition, if the direct mail pieces connected to Coalition for a Safe Secure America by the *Kansas City Star* are indeed ultimately attributable to the organization, they would also exhibit all or nearly all of these factors. In fact, some of the mail pieces went a step further by directly distinguishing the positions of different candidates for office on the specific issues they were addressing, praising one candidate while attacking the other.⁶³

⁶⁰ Facebook, Ads from Coalition for a Safe Secure America – Missouri; Facebook, Ads from Coalition for a Safe Secure America - Indiana; Facebook, Ads from Coalition for a Safe Secure Oregon; Facebook, Ads from Coalition for a Safe Secure America - Montana; Facebook, Ads from Coalition for a Safe and Secure America.

⁶¹ Hancock, *Kansas City Star*, Oct. 31, 2018.

⁶² See <https://www.safesecureamerica.com/>.

⁶³ Hancock, *Kansas City Star*, Oct. 31, 2018.

Violation

26 U.S.C. § 6652

Under the Code, a tax-exempt organization that, without reasonable cause, fails to include any of the information required on a Form 990 tax return or fails to provide the correct information, is liable for civil penalties.⁶⁴ By falsely representing on its 2018 Form 990 that it did not engage in any political campaign activity and failing to report those activities on Schedule C, Coalition for a Safe Secure America appears to have violated 26 U.S.C. § 6652 and should be subject to monetary penalties.⁶⁵

Conclusion

Based on the publicly available information, Coalition for a Safe Secure America falsely represented that it did not engage in any political activity in its 2018 tax year and failed to disclose hundreds of thousands of dollars, if not more, in spending on political activity on its 2018 tax return. The IRS should investigate Coalition for a Safe Secure America, and should it find it made false or incomplete statements on its tax return, take appropriate action.

Thank you for your prompt attention to this matter.

Sincerely,



Noah Bookbinder
President



Matthew Corley
Chief Investigator

cc: IRS-EO Classification

⁶⁴ 26 U.S.C. §§ 6652(c)(1)(A)(ii), 6652(c)(4); *see also* 2018 Instructions for Form 990, at 6.

⁶⁵ Depending on how much Coalition for a Safe Secure America spent in total on political activity, the organization could also be in violation of 26 U.S.C. § 501(c)(4). IRS regulations interpret the Code to mean a section 501(c)(4) organization must be “primarily engaged in promoting in some way the common good and general welfare of the people of the community,” and provide that political activity does not promote social welfare. In general, “primary activity” means more than half of an organization’s spending. *See* Rev. Rul. 68-45, 168-1 C.B. 259; Exempt Organizations Determinations Unit 2, Student Guide, Training 29450-002 (Rev. 9-2009), at 1-19, <https://bit.ly/2FOsrGI>. If the IRS determines that political spending constitutes more than half of Coalition for a Safe Secure America’s overall activity, the organization likely would be in violation of its tax-exempt status.