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Gregg L. Cunningham, Executive Director

#### PRESS RELEASE:

In August of 2007, the IRS alleged that Gregg Cunningham, executive director of the Center for Bio-Ethical Reform (CBR), a nonprofit pro life organization, had violated the political intervention prohibition of Internal Revenue Code section 501(c)(3) by objecting to Saddleback Church and the Rev. Dr. Rick Warren's invitation of Senator Barack Obama (a pro-abortion public figure) to speak at a the *Global Summit on Aids and the Church* on November 30, 2006. The referral for alleged political intervention violation was not result of any public complaint but solely from one internal IRS employee.

The complaint should have been dismissed upon review by the IRS branch called the Political Activities Compliance Initiative (PACI), which consisted of three seasoned IRS employees who reviews these types of complaints. The PACI group, upon reviewing the complaint of their own employee, unanimously agreed that CBR had violated the political intervention prohibition when its executive director opposed Senator Obama's pro abortion stance and questioned the appropriateness of a pro abortionist speaking at a pro life church. PACI recommended that CBR's tax exemption status be reviewed and undergo a comprehensive audit.

Internal documents obtained via the Freedom of Information Act (FOIA) showed the supervising IRS agents and tax counsels had prejudged CBR without any responsive information other than it was a pro life organization. Alliance Defense Fund (ADF) allied attorney, the Rev. Dr. Lu T. Nguyen (Lu T. Nguyen, Ph.D., J.D. [[esqphd@gmail.com](mailto:esqphd@gmail.com)] on behalf of Lu T. Nguyen, Ph.D., J.D. [[ltn@ltnlaw.com](mailto:ltn@ltnlaw.com)]), an Episcopal priest and tax attorney, represented CBR in the audit and defense of its right to advocate public and moral issues.

The core of the IRS position was that Senator Obama was a candidate for the presidency of United States in 2006 and CBR did not have the right to express their disagreement with Senator Obama in any way. Rev. Nguyen argued that the IRS' position, claiming that Senator Obama was a candidate for president in 2006, was a clear factual error. Public records showed that Senator Obama did not announce his candidacy for president of the United States until February 10, 2007. Even had Senator Obama been a candidate for public office in 2006, Rev. Nguyen further argued that the IRS' speech prohibition would have violated CBR's constitutional rights as well as violating its own internal rules and procedures, which clearly allow non-profits the right to advocate issues in public forums.

After a 5-month audit, review of thousands of documents and a fishing expedition concerning outrageous allegations unrelated to the original accusations, the IRS could not find any evidence of non-compliance and was forced to close the case in January, 2008, concluding that no violations had occurred.

CBR's FOIA demand for the agency to produce internal memoranda related to this case proved conclusively that the audit was motivated by incompetence or political bias or some combination of the two. CBR will continue to fight back against government bullying whenever and wherever we encounter it.