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## Homosexual Group's IRS Complaint is 'Bogus,' Maine Catholic Diocese Says

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By Pete Winn, Senior Writer/Editor

**(CNSNews.com)** – A San Diego-based homosexual activist group has filed a formal complaint with the Internal Revenue Service charging the Roman Catholic diocese of Portland, Me., with violating federal tax rules by taking part in a referendum campaign aimed at repealing the state's new same-sex marriage law.

Tyler Davis, media director for the Empowering Spirits Foundation, told CNSNews.com that the complaint was filed at the IRS office in Dallas last Wednesday.

The group wants the Church's nonprofit tax status revoked.

“The problem is, Marc Mutty, who is the public affairs director for the Catholic diocese of Portland, Me., went onto public television stating that the church itself would be behind – and this is his own quote, ‘the largest grassroots movement in Maine’s history,’ to overturn same-sex marriage in Maine,” Davis said.

“When he did that we had a lot of members who started calling our organization, concerned,” Davis added.

“Obviously in most cases where a church may overstep its bounds, we’re not going to get involved, but in this case, it’s at the core of our mission because it affects every LGBT (lesbian, gay, bisexual or transgendered) person potentially within the state of Maine.”

“Because he went on public television that the Church would be behind this, that’s a violation of IRS code, section 501(c)3,” Davis added.

Mutty told CNSNews.com that the quote, which had been broadcast on Maine Public Television, was accurate. But the homosexual group’s IRS charge was not.

Nothing in his statement violated IRS rules, Mutty said.

“The claim that’s been filed is completely bogus,” he added. “The Catholic Church, or any entity for that matter, has every legitimate right -- and is perfectly within their jurisdiction under the IRS code -- to speak to issues. We’re not in a position to speak about candidates, ever, but we can certainly speak to issues and that’s exactly what we’re doing.”

For decades, Mutty said, the IRS has interpreted section 501(c)3 to allow nonprofits to spend up to 10 percent of their revenues on “grassroots lobbying” – that is, conducting informational/educational campaigns on legislation or ballot initiatives.

The homosexual activist group, however, insist that the only way that nonprofits can weigh in politically is through

a political action committee. He admitted that the Church is part of a political action committee – The Maine Marriage Initiative.

“However, they are using individuals from the church, who are paid by the church for their salaries and they are using church assets to fund this campaign,” he said.

But Mutty said the allegation is untrue – and neither is a claim being made in the press that the diocese is already collecting signatures for the referendum.

Though the IRS rules would allow church members to circulate petitions, he said, right now the petitions don't exist – and won't be available until sometime in June.

“The referendum in question wasn't approved by the Secretary of State until just a couple of days ago, and the petitions are at the printers, so there's no way that we could be engaged in the activity that they purportedly speak of, because the petitions weren't even available to us,” Mutty added.

Mutty said the church has followed the law and the gay activist group's complaint is merely a tactic.

“It's very clear what they are trying to do, they are trying to muddy the waters, and cast aspersions on the Catholic Church – and create some sense of doubt in terms of the general public. It's a distraction and a diversionary tactic that has been used in other states.”

In fact, the Empowering Spirits Foundation also filed a complaint against the Mormon Church in California, after voters there overwhelmingly approved Proposition 8 – a state constitutional amendment defining marriage to be between one man and one woman.

The homosexual group anticipates that the California and the Maine complaints will each take from two to five years to resolve, Davis said.

“This is not an attack against any church or religious organization,” he added. “I am a Christian and I go to church, and the Church itself has a wonderful value to society. You also have to abide by the laws, if you are not wanting to pay the taxes.”

Maine Gov. John Baldacci signed the same-sex marriage bill into law in early May. It will take more than 55,000 valid signatures from registered voters for a ballot initiative to qualify.

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