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Are church campaigns legal?

Neal Ross | Sonoma Valley Sun

A Colorado-based religious organization's tactics to defeat gay marriage in California are getting support from Valley churches – and raising questions about the separation of church and state.

At issue is Proposition 8, which would change the current California state constitution's definition of marriage. In 2000, Proposition 22, which defined marriage as only between a man and a woman, was passed by 61.4 percent of voters and was ruled unconstitutional in May of this year by a 4-3 vote of the California Supreme Court.

State law presently guarantees the same civil rights to same-sex couples registering as “domestic partners” as to heterosexuals registering as “married.” In 2003, the California Domestic Partner Rights and Responsibilities Act had guaranteed to same-sex couples who register as domestic partners most of the civil rights afforded male-female married couples, with six subsequent amendments clarifying such legal rights as health care and pension benefits.

Lawn signs endorsing and opposing Proposition 8 have appeared around the Valley over the past few weeks. Some of the former were posted outside St. Francis Solano Church and Sonoma Christian Fellowship.

But the sign at Sonoma Christian Fellowship was no longer in evidence last week, and one sign remained at St. Francis Solano, where the Rev. Michael Kelly said Friday that he'd heard comments about the signs from those on both sides of the debate. He added that the signs along West Napa Street had apparently been removed by persons unknown. Telephone calls to Sonoma Christian Fellowship went unanswered as of press time.

The yellow-and-blue “Yes on 8 – Protect Marriage” signs are produced by protectmarriage.com, an affiliate of conservative Christian leader James Dobson's “Focus on the Family.” Although no contact address is given on the group's website, the domain name was registered in 2002 by the Riverside-based California Family Council, which describes itself as a “not-for-profit, 501(c)(3), educational organization. Our mission is to protect and foster Judeo-Christian principles in California's laws, for the benefit of its families. ... California Family Council serves as the statewide family policy council associated with Focus on the Family, an international media ministry based in Colorado Springs, CO.”

While political banners may seem unusual at a house of worship, they're only illegal under specific circumstances, Internal Revenue Service spokesman Jesse Weller said Friday. Churches and other non-profit organizations in the United States are exempt from paying taxes under section 501(c)(3) of the federal tax code – but that status limits, rather than removes, their lobbying ability.

“Charities, religious organizations, etc., are absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of or in opposition to any

candidate for elective public office,” Weller said. “[They] may lobby to influence legislation so long as they do not devote a substantial part of their activities to attempting to influence legislation.”

One local church has been taking a more direct role in passing **Prop 8**. The Rev. Tim Arensmeier, of Sonoma Valley Community Church on Chase Street, was one of dozens of California clergy participating in a protectmarriage.com-sponsored “webinar,” or Web-based conference call, on Oct. 22. Asked about his church’s public support for **Prop 8**, Arensmeier was unequivocal.

“Our church not only believes [in **Prop 8**], we even obtained a satellite dish so that we could be one of the 107 churches in this state to put on and produce simulcasts on this entire subject,” Arensmeier said.

Arensmeier added that redefining marriage to include same-sex unions would change the way churches conduct their own concerns. But the Rev. Nancy Taylor of Sonoma’s First Congregational Church, disagrees. “I can say, as an ordained minister, that the state ... does not dictate who can be married in the church I serve, and that is true of ministers who serve churches who do not recognize same-sex marriages,” she said.

Taylor, a openly gay woman whose church celebrated a same-sex wedding in July, added that not all of those who describe themselves as religious are in favor of the proposition. “My understanding of what it is to be a person of faith, and particularly a Christian, is to love and serve a god who calls for justice and mercy,” Taylor said. “I see neither justice nor mercy in Proposition 8.”