

FREEDOM FROM RELIGION *foundation*

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November 4, 2016

Margaret Von Lienen
Internal Revenue Service
Exempt Organizations Examination Office
1100 Commerce St
MC 4910 DAL
Dallas TX 75242

Dear Ms. Von Lienen:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to illegal campaign intervention by St. Kevin Roman Catholic Church in Warwick, Rhode Island. FFRF is a national nonprofit organization dedicated to protecting the constitutional principle of separation of state and church. We represent over 23,500 members across the country including members in Rhode Island.

FFRF was informed by a concerned citizen that on Sunday, October 16, 2016, Rev. Robert L. Marciano expressly opposed Hillary Clinton's candidacy for President during worship services at St. Kevin Roman Catholic Church. During his homily, he stated:

“...in just 23 days you and I and citizens of patriotic devotion across this nation will step into voting booths to choose our leaders on both a local and national scale... As for our president, I cannot vote for the Democratic nominee who believes that abortion, right up to the very moment of birth, should be legal.”

He continued:

“I cannot vote for Mrs. Clinton since my immortal soul would be in peril by cooperating in the destruction of innocent human life.”

He also brought up her potential ability to appoint Supreme Court justices and the email scandal. He ended his remarks with this:

“My friends, these are critical decisions. These are critical days. You and I must use the power of our vote as Catholics informed and supported by our faith to make the correct decision and rescue this republic from the abyss of destruction.”

His homily, entitled “Election 2016: Time To Decide,” is enclosed.

IRS regulations specify that 501(c)(3) organizations, which include churches and other religious organizations, are prohibited from “[participating in or intervening in]...any political campaign on behalf of (or in opposition to) any candidate for public office.” Rev. Rul. 2007-41, 2007-25 I.R.B. (June 28, 2007). While leaders of churches or religious organizations may express their opinions on political matters *as individuals*, they are precluded from making “partisan comments in official organization publications or at official functions of the organization.” *Id.*

Rev. Marciano inappropriately used his position as a priest at St. Kevin’s to intervene in a political campaign. He violated IRS regulations by specifically mentioning that he could not vote for Secretary Clinton and asked his congregants to “make the correct decision,” by which he clearly meant not voting for Clinton. Given that he gave these partisan comments through an official church service, he violated the 501(c)(3) tax-exempt rules, which prohibit electioneering.

FFRF respectfully requests that the IRS commence an immediate investigation to determine whether Rev. Marciano violated IRS regulations prohibiting St. Kevin Roman Catholic Church from participating in and/or intervening in a political campaign. The IRS should take appropriate action to remedy any violations that occurred or which continue to occur.

Thank you in advance for your time and attention to this matter.

Sincerely,



Rebecca S. Markert
Staff Attorney

Enclosure

Election 2016: Time To Decide

October 16, 2016—It was only a matter of time. As the political season continued to unfold, and the nonsense and crisis at the top of the ticket began to mount, I knew that it was to be my duty at some point to speak about it at our Masses.

Now there are those I know who say that political talk does not belong in the pulpit and they cite the separation of church and state. They are wrong. In fact, a recent article by a leading historian in the *The New York Times*' called for this phrase to be removed from the public discourse since it does not portray the intent of our Founding Fathers who had fled an oppressive government that dictated their religion in order to build a home on these shores that allows the basic human right of religious freedom. The separation of church and state means that those who govern **can not** and **must not** tell us how, who, and where to worship.

In fact, those early leaders welcomed the voices of religious leaders in all matters political. Oddly enough, I never hear a whimper of complaint from our Southern friends (Jesse Jackson, Al Sharpton, and their band of rebels) when certain political leaders are invited to stand in Southern Protestant and

black church pulpits to spread their message. This includes the present Democratic nominee and her husband when they rally those same church crowds to their cause. Hence, our discussion here in this church this morning of the critical matters of this election is just about as American as it gets.

Let me make this very clear, I am **no fan** of Mr. Trump and the recent media firestorm over his inappropriate and vulgar words is reprehensible. But he is not running for Pope! And let me remind you that his vulgar comments reflect a vulgar society. Our world has all but collapsed because of behavior that is now acceptable—behavior that you and I often turn a blind eye to in our own families and in our own homes.

Have you ever been stopped at a red light with the car next to you blasting music that uses every foul word imaginable over and over again? Have you gone past the Halloween costume store on Airport Road or near the malls and watched the people going in and out and wondered whether they were buying costumes or already wearing dark costumes? Have you heard the First Lady's reflections about the bands and music that she and her daughters listen to only to realize that they are fans of rappers? This is music that speaks of violence and death to police and is laced with vulgar words and phrases—words that make one cringe and offend those of us who are trying to live

decent and kind lives. Our society has gone off the cliff and these pre-election days are proving it.

But let us get to the topic at hand: in just 23 days you and I and citizens of patriotic devotion across this nation will step into voting booths to choose our leaders on both a local and national scale. I am asking that you not leave your Catholic faith at home. Bring it with you to make those choices. I am not asking that America be Catholic. I am asking that **Catholics be Catholic!**

As for our president, I cannot vote for the Democratic nominee who believes that abortion, right up to the very moment of birth, should be legal. It's called Late-Term Abortion and it's a platform of her campaign and an example of her brand of democratic principles. I find it shocking and disingenuous that a woman who touts her life and campaign as one dedicated to women's rights would support and mandate the killing of women, since more than half of those innocent little ones that end up in a garbage bin are girls. I cannot vote for Mrs. Clinton since my immortal soul would be in peril by cooperating in the destruction of innocent human life.

Further, a vote for her will also allow her the power to recreate the Supreme Court in the years ahead. And our laws, already on the cliff of immorality, will go over the edge for this generation and for the next. And

let's be clear that she, her party, and her leaders (including the current administration of these past eight years) hate us. They hate Catholics. Let me say it again: they hate Catholics. They hate everything that we stand for and the virtues and values that we hold as sacred. They hate the Church and the Divine Master that we love and serve. And we have the evidence of this in the email traffic from her top leaders saying that they must infiltrate and topple the Catholic Church, and do it from within, to bring us up-to-date with their immoral principles and ways of living. How despicable and bold is that? That in our country built on the basic human right of religious freedom, these potential leaders who claim to be liberal and accepting of all things would draw the line on Catholics like you and me.

In fact, the President of the Conference of Catholic Bishops for our nation, Archbishop Joseph Kurtz, when discovering the intent and content of these emails said this:

“We ... expect public officials to respect the rights of people to live their faith without interference from the state. When faith communities lose this right, the very idea of what it means to be an American is lost.”

As for Mrs. Clinton's years of public service—another platform on which she builds her campaign—well, as you know, a few weeks ago I finished a military career of 36 years. I would never have reached that milestone had I done what Mrs. Clinton did with classified material when she served as Secretary of State. I would have been court-martialed and perhaps even jailed. The only people the Clintons have served are themselves and their spirit of unbridled entitlement as they line their coffers with cash from donors who stand against us and openly oppose our values. Do you want more evidence? Take a look at the lawsuit brought by the Little Sisters of the Poor in Washington, D.C. who refused to apply the Obamacare mandates of contraception and abortion coverage to health coverage for their employees and won the first round before the Supreme Court.

My friends, these are critical decisions. These are critical days. You and I must use the power of our vote as Catholics informed and supported by our faith to make the correct decision and to rescue this republic from the abyss of destruction. As the late great Archbishop Fulton Sheen once said,

“What the world needs most is a voice that courageously speaks the truth, not when the world is right, but a voice that speaks the truth when the world is wrong.”

The time is now to speak the truth, vote the truth, and save the nation that we love and we call home.

My friends, my name is Father Bob Marciano and GOD approves this message!

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¹ Erlanger, Steven, "Reconciling the Conflicting Aims of Church and State" *The New York Times*, Sept. 14, 2016
http://www.nytimes.com/2016/09/14/world/europe/reconciling-the-conflicting-aims-of-church-and-state.html?_r=0