

# FREEDOM FROM RELIGION *foundation*

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April 20, 2012

Internal Revenue Service  
Exempt Organizations Examination Office  
1100 Commerce St  
MC 4900 DAL  
Dallas TX 75242

To Whom It May Concern:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to illegal campaign intervention by the Catholic Diocese of Peoria, Illinois. FFRF is a national nonprofit organization dedicated to protecting the constitutional principle of separation of state and church. We represent nearly 18,000 members across the country including members in Illinois.

FFRF was informed by a concerned citizen that, on April 14, 2012, Bishop Daniel R. Jenky delivered a homily at St. Mary's Cathedral in Peoria. During this homily, Bishop Jenky sharply criticized President Obama and referenced the upcoming 2012 presidential election. He stated:

“Hilter and Stalin, at their better moments, would just barely tolerate some churches remaining open, but would not tolerate any competition with the state in education, social services, and health care. In clear violation of our First Amendment rights, Barack Obama – with his radical, pro abortion and extreme secularist agenda, now seems intent on following a similar path. Now things have come to such a pass in America that this is a battle that we could lose, but before the awesome judgement [sic] seat of Almighty God this is not a war where any believing Catholic may remain neutral. This fall, every practicing Catholic must vote, and must vote their Catholic consciences, or by the following fall our Catholic schools, our Catholic hospitals, our Catholic Newman Centers, all our public ministries – only excepting our church buildings – could easily be shut down...”

A transcript of the entire homily is attached and is available at the Catholic Post's website: <http://www.cdop.org/post/PostArticle.aspx?ID=2440> (last accessed April 20, 2012).

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.*

Furthermore, IRS regulations allow 501(c)(3)s to engage in issue advocacy so long as it does not function as political campaign intervention. “Even if a statement does not expressly tell an audience to vote for or against a specific candidate, an organization delivering the statement is at risk of violating the political campaign intervention prohibition if there is any message favoring or opposing a candidate.” *Id.* The IRS will consider all facts and circumstances to determine whether the advocacy is political campaign intervention. *Id.* Key factors include:

- “Whether the statement identifies one or more candidates for a given public office;
- Whether the statement expresses approval or disapproval for one or more candidates’ positions and/or actions;
- Whether the statement makes is delivered close in time to the election;
- Whether the statement makes reference to voting or an election
- Whether the issue addressed in the communication has been raised as an issue distinguishing candidates for a given office;
- Whether the communication is part of an ongoing series of communications by the organization on the same issue that are made independent of the timing of any elections; and
- Whether the timing of the communication and identification of the candidate are related to a non-electoral event such as a scheduled vote on specific legislation by an officeholder who also happens to be a candidate for public office.” *Id.*

In this instance, Bishop Jenky inappropriately used his position as bishop of the Catholic Diocese of Peoria to intervene in a political campaign. He violated IRS regulations by voicing his strong opposition to Democratic Presidential candidate Barack Obama from the pulpit of the church. Despite not saying specifically “Vote against Barack Obama,” the bishop’s comments make it abundantly clear that he is opposed to Barack Obama as a candidate. Given that he gave these partisan comments at an official church function — the “Call to Catholic Men of Faith” service, Bishop Jenky violated the 501(c)(3) tax-exempt rules, which prohibit electioneering.

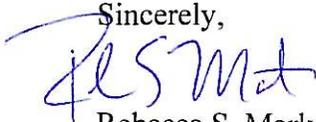
Moreover, despite the Diocese’s assertion that it is, the bishop’s entire homily cannot be considered issue advocacy given the election year, his reference to the fall election immediately after voicing his strong disapproval of Barack Obama (even comparing him to Hitler and Stalin).

FFRF respectfully requests that the IRS commence an immediate investigation to determine whether Bishop Jenky violated IRS regulations prohibiting the Catholic Diocese of Peoria 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,

A handwritten signature in blue ink, appearing to read 'RSM', is written over the word 'Sincerely,'.

Rebecca S. Markert  
Staff Attorney

Enclosure

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April 15, 2012 Issue

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Local

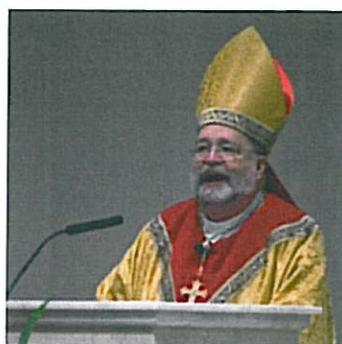
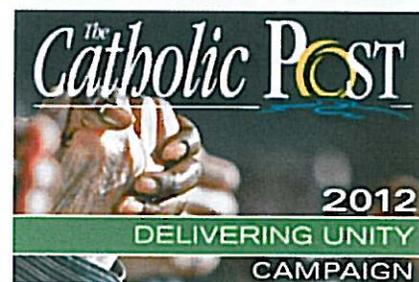
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Yesterday, April 19, 2012

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Bishop Daniel R. Jenky, CSC, delivers his homily April 14 at St. Mary's Cathedral in Peoria during Mass at the "A Call to Catholic Men of Faith" event.

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## Full text of Bishop Jenky's homily at men's march and Mass

Editor's note: Following is the full text of the homily of Bishop Daniel R. Jenky, CSC, at the Mass during the April 14 "A Call to Catholic Men of Faith" in Peoria. A podcast audio version of the homily is available at [The Bishop's Podcasts](#).

For a story on the annual march and Mass click [here](#).

For several photos from the event, visit The Catholic Post's site on Facebook.

A further statement from the Diocese of Peoria regarding this homily can be found [here](#).

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There is only one basic reason why Christianity exists and that is the fact that Jesus Christ truly rose from the grave.

The disciples never expected the resurrection. The unanimous testimony of all four Gospels is that the terrible death of Jesus on the cross entirely dashed all their hopes about Jesus and about his message. He was dead, and that was the end of it. They looked for nothing more, and they expected nothing more.

So as much as they had loved him, in their eyes Jesus was a failed messiah. His dying seemed to entirely rob both his teaching and even his miracles of any lasting significance.

And they were clearly terrified that his awful fate, at the hands of the Sanhedrin and the Romans, could easily become their awful fate. So they hid, trembling with terror, behind shuttered windows and locked doors.

When the Risen Christ suddenly appeared in their midst, their reaction was shocked incredulity. They simply could not believe their own eyes.

Reality only very slowly began to penetrate their consciousness when Jesus offers proof of his resurrection. He shows them the wounds on his hands, his feet, and his side. Jesus even allowed them to touch him. He breaks bread with them and eats with them. And only then could they admit to themselves what had seemed absolutely impossible – the one who had truly died had truly risen! The Crucified now stood before them as their Risen, glorious, triumphant Lord.

His rising from the grave was every bit as real as his dying on the cross. The resurrection was the manifest proof of the invincible power of Almighty God. The inescapable fact of the resurrection confirmed every word Jesus had ever spoken and every work Jesus had ever done.



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The Gospel was the truth. Jesus was the Christ, the promised Messiah of Israel. Jesus was the Savior of the world. Jesus was the very Son of God.

There is no other explanation for Christianity. It should have died out and entirely disappeared when Christ died and was buried, except for the fact that Christ was truly risen, and that during the 40 days before his Ascension, he interacted with his Apostles and disciples, and on one occasion even with hundreds of his followers.

Today's appointed Gospel reading for this Saturday in the Octave of Easter is taken from the 16th Chapter of Mark. It concludes with a command from the lips of Jesus, given to his disciples, given to the whole Church, given to you and me assembled here today: "Go into the whole world and proclaim the Gospel to every creature."

We heard in today's Second Reading from the Acts of the Apostles that the same Sanhedrin that had condemned Jesus was amazed at the boldness of Peter and John. Perceiving them to be uneducated, ordinary men, they recognized them as companions of Jesus. They warned them never again to teach, or speak to anyone, in the name of Jesus.

But the elders and the scribes might as well have tried to turn back the tide, or hold back an avalanche. Peter and John had seen the Risen Christ with their own eyes. Peter and John were filled with the Holy Spirit. They asked whether it is right "in the sight of God for us to obey you rather than God. It is impossible for us not to speak about what we have seen and heard."

And Peter and John and all the Apostles, starting first in Jerusalem in Judea and Galilee and then to the very ends of the earth, announced the Resurrection and the Good News to everyone they encountered.

According to the clear testimony of the Scriptures, these Apostles had once been rather ordinary men – like you and me. Their faith hadn't always been strong. They made mistakes. They committed sins. They were often afraid and confused.

But meeting the Risen Lord had changed everything about these first disciples, and knowing the Risen Lord should also change everything about us.

You know, it has never been easy to be a Christian and it's not supposed to be easy! The world, the flesh, and the devil will always love their own, and will always hate us. As Jesus once predicted, they hated me, they will certainly hate you.

But our Faith, when it is fully lived, is a fighting faith and a fearless faith. Grounded in the power of the resurrection, there is nothing in this world, and nothing in hell, that can ultimately defeat God's one, true, holy, Catholic, and Apostolic Church.

For 2,000 years the enemies of Christ have certainly tried their best. But think about it. The Church survived and even flourished during centuries of terrible persecution, during the days of the Roman Empire.

The Church survived barbarian invasions. The Church survived wave after wave of Jihads. The Church survived the age of revolution. The Church survived Nazism and Communism.

And in the power of the resurrection, the Church will survive the hatred of Hollywood, the malice of the media, and the mendacious wickedness of the abortion industry.

The Church will survive the entrenched corruption and sheer incompetence of our Illinois state government, and even the calculated disdain of the President of the United States, his appointed bureaucrats in HHS, and of the current majority of the federal Senate.

May God have mercy on the souls of those politicians who pretend to be Catholic in church, but in their public lives, rather like Judas Iscariot, betray Jesus Christ by how they vote and how they willingly cooperate with intrinsic evil.

As Christians we must love our enemies and pray for those who persecute us, but as Christians we must also stand up for what we believe and always be ready to fight for the Faith. The days in which we live now require heroic Catholicism, not casual Catholicism. We can no longer be Catholics by accident, but instead be Catholics by conviction.

In our own families, in our parishes, where we live and where we work – like that very first apostolic generation – we must be bold witnesses to the Lordship of Jesus Christ. We must be a fearless army of Catholic men, ready to give everything we have for the Lord, who gave everything for our salvation.

Remember that in past history other governments have tried to force Christians to huddle and hide only within the confines of their churches like the first disciples locked up in the Upper Room.

In the late 19th century, Bismarck waged his "Kulturkampf," a Culture War, against the Roman Catholic Church, closing down every Catholic school and hospital, convent and monastery in Imperial Germany.

Clemenceau, nicknamed "the priest eater," tried the same thing in France in the first decade of the 20th Century.

Hitler and Stalin, at their better moments, would just barely tolerate some churches remaining open, but would not tolerate any competition with the state in education, social services, and health care.

In clear violation of our First Amendment rights, Barack Obama – with his radical, pro abortion and extreme secularist agenda, now seems intent on following a similar path.

Now things have come to such a pass in America that this is a battle that we could lose, but before the awesome judgement seat of Almighty God this is not a war where any believing Catholic may remain neutral.

This fall, every practicing Catholic must vote, and must vote their Catholic consciences, or by the following fall our Catholic schools, our Catholic hospitals, our Catholic Newman Centers, all our public ministries -- only excepting our church buildings – could easily be shut down. Because no Catholic institution, under any circumstance, can ever cooperate with the intrinsic evil of killing innocent human life in the womb.

No Catholic ministry – and yes, Mr. President, for Catholics our schools and hospitals are ministries – can remain faithful to the Lordship of the Risen Christ and to his glorious Gospel of Life if they are forced to pay for abortions.

Now remember what was the life-changing experience that utterly transformed those fearful and quaking disciples into fearless, heroic apostles. They encountered the Risen Christ. They revered his sacred wounds. They ate and drank with him.

Is that not what we do here together, this morning at this annual men's march Mass?

This is the Saturday of the Octave of Easter, a solemnity so great and central to our Catholic faith that Easter Day is celebrated for eight full days, and the Easter season is joyously observed as the Great 50 Days of Easter. Through the power of the Holy Spirit, Christ – risen from the grave – is in our midst. His Holy Word teaches us the truth. His Sacred Body and Blood becomes our food and drink.

The Risen Christ is our Eternal Lord; the Head of his Body, the Church; our High Priest; our Teacher; our Captain in the well-fought fight.

We have nothing to fear, but we have a world to win for him. We have nothing to fear, for we have an eternal destiny in heaven. We have nothing to fear, though the earth may quake, kingdoms may rise and fall, demons may rage, but St. Michael the Archangel, and all the hosts of heaven, fight on our behalf.

No matter what happens in this passing moment, at the end of time and history, our God is God and Jesus is Lord, forever and ever.

Christus vincit! Christus regnat! Christus imperat!

Christ wins! Christ reigns! Christ commands!

