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# IRS Not Enforcing Rules on Churches and Politics

AP Associated Press

By RACHEL ZOLL AP Religion Writer  
NEW YORK November 3, 2012 (AP)

For the past three years, the Internal Revenue Service hasn't been investigating complaints of partisan political activity by churches, leaving religious groups who make direct or thinly veiled endorsements of political candidates unchallenged.

The IRS monitors religious and other nonprofits on everything from salaries to spending, and that oversight continues. However, Russell Renwicks, a manager in the IRS Mid-Atlantic region, recently said the agency had suspended audits of churches suspected of breaching federal restrictions on political activity. A 2009 federal court ruling required the IRS to clarify which high-ranking official could authorize audits over the tax code's political rules. The IRS has yet to do so.

Dean Patterson, an IRS spokesman in Washington, said Renwicks, who examines large tax-exempt groups, "misspoke." Patterson would not provide any specifics beyond saying that "the IRS continues to run a balanced program that follows up on potential noncompliance."

However, attorneys who specialize in tax law for religious groups, as well as advocacy groups who monitor the cases, say they know of no IRS inquiries in the past three years into claims of partisanship by houses of worship. IRS church audits are confidential, but usually become public as the targeted religious groups fight to maintain their nonprofit status.

"The impression created is that no one is minding the store," said Melissa Rogers, a legal scholar and director of the Center for Religion and Public Affairs at Wake Forest University Divinity School in North Carolina. "When there's an impression the IRS is not enforcing the restriction — that seems to embolden some to cross the line."

The issue is closely watched by a cadre of attorneys and former IRS officials who specialize in tax-exempt law, along with watchdog groups on competing sides of the church-state debate.



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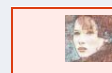
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Americans United for Separation of Church and State, which seeks strict limits on religious involvement in politics, and the Alliance Defending Freedom, which considers the regulations unconstitutional government intrusion, scour the political landscape for any potential cases. While Americans United gathers evidence it hopes will prompt an IRS investigation, the Alliance Defending Freedom jumps in to provide a defense. Neither group knows of any IRS contact with houses of worship over political activity since the 2009 federal ruling.

Nicholas Cafardi, a Duquesne University Law School professor and Roman Catholic canon lawyer who specializes in tax-exempt law, said he has heard of no IRS inquiries over churches and politics in the last three years. Neither has Marcus Owens, a Washington attorney who spent a decade as head of the IRS tax-exempt division and is now in private practice.



Owens, who was with the IRS through 2000, said the agency had once initiated between 20 and 30 inquiries each year concerning political activity by churches or pastors. He said he knows of only two recent cases the IRS pursued against houses of worship or pastors, and neither involved complaints over partisan activity.

"What the IRS is desperate to do is to avoid signaling to churches and pastors that there is no administrative oversight," Owens said. "The IRS has been vigilant with regard to civil fraud and criminal cases, but those aren't all that common."

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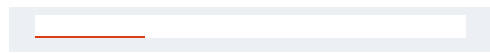
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