

FROM THE DESK OF...

BILL PLUMMER

5450 N PARAMOUNT BLVD, SP 156, LONG BEACH CA 90805-5158

June 2, 2009

Chief Judge Vaughn R. Walker
U.S. District Court
Northern District of California
Courtroom 6, 17th Floor
450 Golden Gate Ave
San Francisco CA 94102

FILED

JUN 09 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Re: Alliance Defense Fund hearing July 2, 2009 *09-2292 VRW*

Honorable Judge Walker:

I respectfully ask you to consider strongly, the denial of the "Alliance Defense Fund," a 501(c)(3) tax-exempt charity, from formally fighting the federal lawsuit which would overturn the gay marriage ban in California.

I respect each individuals Constitutional rights under the First Amendment. However, the I.R.S publication, "Publication 4221-PC(06-07), catalog number 49829R, page 4," states, "A public Charity is not permitted to engage in substantial legislative activity(commonly referred to as lobbying). An organization will be regarded as attempting to influence legislation: if it contacts, or urges the public to contact, members or employees of a legislative body for purposes of proposing, supporting or opposing legislation; or if the organization advocates the adoption or rejection of legislation." I have enclosed a copy of that page.

Additionally, I would urge you to contact Renee B. Wells, Acting Director of EO Examinations(Compliance) at the Department of the Treasury, Internal Revenue Service, MC 4910 DAL, 1100 Commerce St, Dallas, TX 75242, and recommend the denial of Alliance Defense Fund's 501(c)(3) tax-exempt status for violating those rules in regards to influencing the upcoming court trial's outcome.

Please read the enclosed copy of "The Mercury News," written by the Associated Press, posted to MercuryNews.com on May 29,2009. This article should clarify why I am urging you to deny Alliance's request.

Bill Plummer

Cc: Renee B. Wells
Acting Director, EO Examinations



The Mercury News

MercuryNews.com

Christian group asks to fight suit on gay marriage

The Associated Press

Posted: 05/29/2009 11:30:41 AM PDT


Updated: 05/29/2009 11:30:41 AM PDT

SAN FRANCISCO—An influential Christian group is seeking to formally fight a federal lawsuit aimed at overturning California's gay marriage ban.

The Alliance Defense Fund filed court papers Thursday asking U.S. District Judge Vaughn Walker to allow it to defend the constitutionality of Proposition 8. Gay couples prohibited from marrying filed a lawsuit in San Francisco federal court May 22 and allege that California's marriage ban violates constitutional equal protection provisions.

The Alliance Defense Fund spent more than \$37 million in leading the campaign to pass Proposition 8 in November and successfully defended it before the state Supreme Court. The judge will hold a hearing July 2 to consider the group's request and whether to temporarily suspend the ban while considering the lawsuit.

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Legislative Activities

A public charity is not permitted to engage in substantial legislative activity (commonly referred to as lobbying). An organization will be regarded as attempting to influence legislation: if it contacts, or urges the public to contact, members or employees of a legislative body for purposes of proposing, supporting or opposing legislation; or if the organization advocates the adoption or rejection of legislation.

If lobbying activities are substantial, a 501(c)(3) organization may fail the operational test and risk losing its tax-exempt status and/or be liable for excise taxes. Substantiality is measured by either the *substantial part test* or the *expenditure test*.

RE: Compliance Guide for 501(c)(3) Public Charities

Publication 4221-PC(06-07) Catalog Number 49829R

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