

MPBN

National Organization for Marriage Expands Legal Challenge

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The National Organization for Marriage spent more than \$1 million in Maine to repeal the state's gay marriage law last month. The group also filed suit against the state, challenging the financial reporting requirements for political action committees. The group has now expanded its legal challenge, in anticipation of next year's legislative and gubernatorial elections nationwide.

The National Organization for Marriage says it hopes to influence next year's legislative and gubernatorial elections by letting voters know which candidates support or oppose gay marriage. Lawyers for NOM have filed an amended complaint in the U.S. District Court last week asking that it not be subjected to state laws requiring financial disclosures from its contributors.

"We added additional claims that go beyond initiative campaign finance laws to campaign finance laws that deal with candidate elections because NOM would like to participate in state elections," says Jim Bopp, an attorney for the New Jersey-based National Organization for Marriage, which is fighting a ruling by the state Ethics Commission requiring the group to register as a political action committee, and to submit campaign finance reports for independent expenditures it made during the gay marriage campaign.

But Bopp says NOM wants the same First Amendment protections given to those who contribute money to elect or defeat candidates for state offices. "Right now the problem is that there are significant unconstitutional limits on participating in state elections that they have now brought to the attention of the federal court and are looking for a decision in early spring from the court regarding that."

"We know the characteristic of Maine -- we come from a live-and-let-live state," says Betsy Smith of Equality Maine, the group that fought to preserve gay marriage in the state. Smith says NOM is going to be out of touch with Maine voters before it even tries to connect.

"We don't like people from away telling us what to do, in fact even the people in the more rural areas of Maine don't like the more urban areas of Maine telling them what to do," Smith says. "And so here is a situation where a national organization is saying they're going to come in and tell people how they should vote -- not only on an issue, but now on who should represent them. And that just doesn't play well."

"That argument doesn't hold water," says Marc Mutty, a spokesman for the Roman Catholic Diocese of Portland. Mutty says that while the church is not involved with NOM's effort to influence state races, it supports the group's right to do so. He says Equality Maine and other pro-gay marriage groups are the last organizations that should complain about the influence of out-of-state money.

"Planned Parenthood and Family Planning, who lobby aggressively on the abortion issue, are bringing with them a national agenda and national money when they work in partisan politics, so that's the name of the game," Mutty says.

But State Senate President Libby Mitchell, a Vassalboro Democrat who supported the gay marriage bill, and is also a Democratic candidate for governor, says the difference between Planned Parenthood and NOM lies in the organizations' willingness to disclose their financial information.

"National groups have always played a role in Maine politics," Mitchell says. "I think the difference in other national groups is that their willing to be scrutinized themselves. What's the source of their funding? So welcome to Maine, but you have to play by our rules."

Bruce Poliquin, a Bath Republican seeking his party's nomination for governor, says he doesn't believe governors should get involved with social issues, including gay marriage, which he says are more appropriately decided at the ballot box. Still, he expects national groups like NOM to focus on next year's gubernatorial race.

"It's a very important race, for not only those that are very focused on social issues, but also groups who really put fiscal and job issues at the top of the agenda," Poliquin says. "Because our race is so important it is going to get increasingly visible and I expect more groups to get involved."

House Speaker Hannah Pingree, a North Haven Democrat who is barred from seeking reelection next year under Maine's legislative term limits law, says NOM's plan to enter the legislative fray is bound to backfire.

"I think Maine voters are very smart and they choose their members of the House and Senate based on very often on personal interactions where the candidate has literally come to their door to ask them questions," Pingree says. "In every campaign there are fliers going back and forth. Only very rarely does an out-of-state interest get involved and the vast majority of the time especially in a legislative local race, it's not effective."

Defendants in the NOM lawsuit, including the Maine Attorney General's Office and the state Ethics Commission have not yet filed a response at the U.S. District Court in Portland.