

Opposing the Free Speech Fairness Act

The Johnson Amendment became law seven decades ago because Congress decided that all nonprofits including churches and other houses of worship should engage in educational, social service, and community service activities, not overt political activities, in exchange for their tax exemptions. Put simply, faith leaders cannot endorse political candidates in their official roles as a condition of keeping their church's tax exemption.

The Johnson Amendment applies to houses of worship and to the other 1.1 million nonprofits in the United States. It has not been interpreted as requiring a total ban on politics in the pulpit. **Houses of worship have been allowed to:**

- **Provide members with nonpartisan information regarding an election.**
- **Organize voter registration drives.**
- **Host candidates as speakers provided that each candidate is given an equal opportunity to speak.**
- **Hold discussions about the relationship between church doctrine and ballot issues.**

What has not been allowed is supporting or opposing specific political candidates. The Free Speech Fairness Act ([S.1205](#) and [H.R.2501](#)) would allow houses of worship and all other nonprofits to begin to make such candidate endorsements. The consequences would be widespread and troubling.

Candidates would now vie for the endorsements of pastors, rabbis, and imams. Political campaign money can currently be used to donate to nonprofits. There is no doubt that donations would be offered or solicited, legally or illegally, for endorsements. Those donations would not have to be reported by the churches the way other nonprofits must do. These endorsements could be made in state and local elections as well as federal elections. Preachers could be endorsing candidates for mayor.

Church officials who would prefer not to engage directly in politics may be asked to endorse candidates by church members. Congregations might debate whom to endorse. This is not a change the American people are asking for. **In 2022, Pew Research found that only 20 percent of adults want religious leaders to make political endorsements.**

Houses of worship are ready-made audiences for political candidates and campaigns. Some pastors, rabbis, and imams have already ignored Johnson Amendment restrictions and we have seen the results: congregations have been told that God wants them to vote for a certain candidate, and congregations have been told that another candidate is a demon in the biblical sense, which they take seriously. **This is not the type of speech the IRS should begin subsidizing through the 501(c)(3) nonprofit status. Faith leaders are allowed to support candidates in other situations, just not in their official capacity as faith leaders.**

America's system of government functions best when religion is protected from political interference and when politics is protected from religious interference. The Johnson Amendment supports that goal. Congress should not promote politicizing churches, synagogues, or mosques.