

November 29, 2017

The Honorable Debbie Stabenow, Chairwoman
Policy and Communications Committee
Senate Democratic Caucus
United States Senate
Washington, D.C. 20510

Dear Senator Stabenow,

We are writing to you today regarding the tax reform bill that will be before the United States Senate later this week. As you may know, the House version of the tax reform bill (H.R. 1) contains a provision (Sec. 5201) that will effectively repeal the Johnson Amendment, a provision in U.S. Code (26 U.S.C. §501, paragraph (3) of subsection (c)) that was established in 1954 to prevent nonprofit 501(c)(3) organizations from engaging in partisan political campaigns, including endorsing or opposing specific candidates.

The Secular Coalition for America and our 18 national nontheist member organizations strongly oppose any changes to the Johnson Amendment, as do thousands of nonprofit organizations, secular and religious, large and small, across the country.

In fact, the only organizations advocating for the repeal of the Johnson Amendment are religious political organizations like Focus on the Family, the Family Research Council, and the Alliance Defending Freedom. This has been a top priority of theirs for years and, while the chances of the Johnson Amendment being repealed were once considered fleeting, the election of President Trump has breathed new life into their previously failed attempts. In fact, Tony Perkins, President of the Family Research Council, has stated that, "The awareness was building, but the real catalyst of this conversion was Donald Trump." Mr. Trump made a campaign promise to the extreme religious right that he would "totally destroy" the Johnson Amendment and he took the first steps when he signed an Executive Order inappropriately titled "Promoting Free Speech and Religious Liberty" on May 4, 2017. The EO did nothing to promote free speech or religious liberty.

Repealing the Johnson Amendment would have devastating consequences on the separation of church and state, the integrity of the nonprofit sector, and transparency in electoral politics. Given the privileged exemption from financial reporting granted to houses of worship, repealing the Johnson Amendment would allow them to accept untracked and unreported donations while engaging in partisan political activities. Since houses of worship do not have to publicly disclose their donors, this opens the door to unprecedented levels of abuse in political campaigns and invites political dark money to be laundered through houses of worship — all at the expense of the American taxpayer.

Furthermore, Americans across the political spectrum, of all religious denominations, as well as clergy and leaders in the nonprofit sector support the Johnson Amendment and the principle of nonprofit nonpartisanship.

Earlier this week, the Sunday edition of the *New York Times* featured a front-page article, "In Tax Debate, Gift to Religious Right Could Be Bargaining Chip," that indicated that Senator James Lankford (R-OK), who earlier this year introduced S. 264, *Free Speech Fairness Act*, a stand-alone bill that would repeal the Johnson Amendment, is working to have the House language included in the Senate bill as a bargaining chip for his support for the Republican tax reform plan. We are deeply concerned about this and have attached a copy of the full article for your reference.

While we recognize that there are many controversial provisions in the bill, including the elimination of the individual mandate in the *Affordable Care Act* and defunding Planned Parenthood, we are counting on you and your colleagues in the Democratic Caucus to stand up to ensure that the Johnson Amendment is not included in the final package. We believe that the separation of church and state should never be used as a bargaining chip. As the full Senate begins deliberations on this measure, it is our plea that repealing the Johnson Amendment be on your list of non-starters.

We are grateful for your continued support to ensure the First Amendment is protected and that the freedom of, and freedom from, religion remains a bedrock principle of our American democracy.

I encourage you or your staff to reach out to me (larry@secular.org) or Sarah Levin, Senior Legislative Representative (sarah@secular.org) at (202) 299-1091 should you have any questions or if we can ever be of assistance.

Sincerely,

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CC: Members of the Senate Democratic Caucus

Attachments

