February 16, 2011

Representative Alfred Baldasaro
Chairman
Committee on State-Federal Relations and Veterans Affairs
41 Hall Road
Londonderry, NH 03053-2306
al.baldasaro@leg.state.nh.us

Dear Chairman Baldasaro:

On behalf of its New Hampshire members and chapter, Americans United for Separation of Church and State writes to oppose HCR 25, which will be heard by the Committee on State-Federal Relations and Veterans Affairs tomorrow. HCR 25 would urge the U.S. Congress to pass a law that would allow churches and other houses of worship to participate and intervene in political campaigns while maintaining their tax exempt status.

Members of the Clergy Already Speak on Important Political Issues

Federal tax law grants houses of worship and all nonprofits tax exempt status. In exchange, these houses of worship and nonprofits may not endorse or oppose candidates for public office or use their resources in partisan campaigns. Supporters of this resolution say a change to the tax law is necessary because clergy members are afraid to speak out on political issues. But, free speech rights of religious leaders are already broadly protected by the U.S. Constitution and federal tax law.

Even while maintaining the tax-exempt status of their houses of worship, members of the clergy can and do address public policy concerns, ranging from abortion, gay rights and gun control to poverty, civil rights and the death penalty. Indeed, discussion of public issues is a common practice in religious institutions all over America. Moreover, houses of worship can keep their tax-exempt status and can engage in many election-related activities. For example, they may sponsor nonpartisan voter registration drives. They may encourage voting and transport people to the polls on Election Day. They may also sponsor nonpartisan candidate forums at which all legally qualified candidates for a given office are invited to appear. And, of course, if houses of worship wish to engage in partisan politics they can do so—they simply must give up their tax exempt status.

The reason for the rule prohibiting partisan politicking is that nonprofit organizations receive tax exemption because their work is charitable, educational or religious. That tax benefit comes with conditions, including the requirement that tax-exempt organizations must refrain from involvement in partisan politics. This is a reasonable rule, since tax-exempt groups are supposed to work for the public good, not spend their time and money trying to elect or defeat candidates.

This regulation is also designed to protect the integrity of the election process. Special types of organizations already exist to help political hopefuls win public office. Those groups, such as political action committees (PACs), have a different tax status and are organized under a different set of rules than tax-exempt groups, rules designed to ensure that the nation’s campaign finance laws are followed. Blurring the distinction between these two types of organizations would harm both religion and politics.
Changing the Law Would Open Loophole in Campaign Finance Laws

Houses of worship are given tax-exempt status because the government assumes that their work is charitable, not political. As such, contributions to them are tax deductible, while donations to political candidates and parties are not. To undo the tax law’s ban on religious politicking—allowing religious groups to act as partisan institutions while maintaining their tax-exempt status—would create a loophole in the nation’s campaign finance system.

The likely result is unappealing, to say the least. Candidates could ask for political donations right from the pulpit, turning what are supposed to be sacred services into political fundraisers. Religious leaders could spend their time in the pulpit talking not about faith but the need to write checks for certain candidates.

Most Americans Oppose Politicization of Houses of Worship

In poll after poll, an overwhelming majority of Americans oppose having religious leaders speak about candidates for political office.

The most recent poll by Rasmussen¹ asked, “Is it appropriate for your local religious leader, like your Parish Priest, minister, Rabbi or Imam, to ‘suggest’ who you should vote for?” The results were “only 12% feel it’s appropriate for their local religious leader . . . to suggest who they should vote for. Seventy-nine percent (79%) do not find such suggestions appropriate.”

According to another recent survey² by the Pew Forum on Religion and Public Life, “Americans continue to overwhelmingly oppose churches and houses of worship endorsing specific candidates for public office. Fully 70% say churches should not come out in favor of candidates during political elections while just a quarter (24%) supports such endorsements. . . . More than half of every major religious group opposes such endorsements.”

Nor are leaders of the religious community clamoring for radical changes to existing tax law. Most clergy willingly obey the law as it currently exists and have little interest in taking on the responsibility of serving their flock as both spiritual leader and political boss.³ That is why a diverse array of groups ranging from the National Council of Churches, to the Baptist Joint Committee for Religious Liberty, to the Central Conference of American Rabbis have expressed opposition to changing this law.

If you have any questions about this, please contact me at (202) 466-3234 or sher@au.org.

Sincerely,

Dena S. Sher
State Legislative Counsel

cc: Members of the Committee

