Question Presented: Is an Advisory Committee needed?

AU opposes an IRS-sponsored advisory committee comprised only of representatives of religious entities because it is unnecessary and unconstitutional. The IRS already sponsors (ACT), which serves as an important voice for all non-profit organizations. ACT’s members include representatives from religious groups (the 2010-11 members included one from the United Methodist Church), already giving them an opportunity to voice concerns.

Creating this advisory committee would grant a special privilege only for religious groups, favoring their opinions over those of non-religious groups and violating the Establishment Clause. The Supreme Court has consistently invalidated government programs that define eligibility by reference to religion or singles out a faith for special treatment. Creating this committee would do just that and favor religious entities over non-religious. According to the Supreme Court, confining benefits only to religious groups appears as nothing but state sponsorship of religion.