



Published on National Council of Nonprofits (<https://www.councilofnonprofits.org>)

Original URL: <https://www.councilofnonprofits.org/pressreleases/national-council-nonprofits-statement-religious-freedom-executive-order>

National Council of Nonprofits Statement on “Religious Freedom” Executive Order

By: Tim Delaney

Washington, DC - Tim Delaney, President & CEO of the National Council of Nonprofits, the nation’s largest network of charitable nonprofits, issued the following statement in response to the Executive Order on Promoting Free Speech and Religious Liberty:

“With the stroke of a pen, the President has unleashed the polarizing rancor of partisan electioneering on charitable nonprofits, religious institutions, and private foundations and the people and communities they serve. Despite the labeling, the portion of the Executive Order regarding the Johnson Amendment has nothing to do with free speech or freedom of religion. And, contrary to President Trump’s assertions at the signing ceremony, the Johnson Amendment has nothing to do with talking about policy issues of the day – it only prevents 501(c)(3) organizations from partisan electioneering by participating in “any political campaign on behalf of (or in opposition to) any candidate for public office.”

“We are a country of laws, not a country that tolerates a wink and a nod from a partisan official telling the IRS to effectively ignore laws properly passed by

Congress decades ago. The U.S. Constitution does not empower a President to line-item veto a few lines from longstanding law (in this case, the so-called “Johnson Amendment” that protects 501(c)(3) nonpartisanship) that his political allies find inconvenient.

“Americans are fed up with endless and polarizing partisan electioneering. Candidate Trump promised that he would “drain the swamp,” but through this stroke of his pen President Trump has dragged America’s charitable, philanthropic, and religious organizations down into the mire and muck of raw partisanship that has bedeviled our country for too long.

“That part of the Executive Order will undermine the effectiveness and integrity of the broad nonprofit community by injecting doubts and suspicions regarding ulterior partisan motives of charitable and religious organizations, as undoubtedly will occur if even just a few organizations engage in partisan politicking. People looking to 501(c)(3) organizations for services, whether it is a warm meal, a roof over their head, inspiration through the arts, or counsel from a religious leader, should not have to consider which candidates those leaders might urge them to support or oppose. The same goes for people who wish to donate, volunteer, or work to support a nonprofit’s mission.

“There can be no doubt that the vast majority of charitable nonprofits, including religious institutions, and foundations support the longstanding law that protects them all from demands to intervene or participate in electioneering for or against candidates for public office. In recent weeks, letters have been sent to Congressional leaders by [nearly 4,500 charitable, religious, and philanthropic organizations and for-profit businesses](#) – from all 50 states and collectively representing tens of thousands of organizations – and from [almost 100 religious and denominational institutions](#) expressing how vital nonpartisanship is to their work and calling on Congress to keep this important protection in place.”

Also see the [National Council of Nonprofits testimony](#) – including the sincere observations from more than 100 individuals about how harmful such a change in this longstanding law would be – filed with the House Oversight and Government Reform Committee.

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About the National Council of Nonprofits

The National Council of Nonprofits (Council of Nonprofits) is a trusted resource and proven advocate for America's charitable nonprofits. Connecting the policy dots across all levels and branches of governments, the Council of Nonprofits keeps nonprofits informed and empowered to create a positive public policy environment that best supports nonprofits in advancing their missions. Working with and through the nation's largest network of nonprofits – with 25,000-plus organizational members – we identify emerging trends, share proven practices, and promote solutions that benefit charitable nonprofits and the communities they serve. Learn more at www.councilofnonprofits.org.