



Keep Partisan Politics Out of the Nonprofit Sector

By Tim Delaney and Vikki Spruill

March 22, 2017

Washington, DC may be the most partisan place on earth, where anything and everything is judged by which political party you support, rather than the substance of what's being discussed. Well, thank goodness that perspective is not shared by our nation's charitable nonprofits and foundations, because it would prevent us from addressing the real-life challenges in every community across America. Our charitable and philanthropic communities are neither partisan nor bipartisan; we are nonpartisan in law and in practice. And to protect the common good, we must keep it that way.

We say "thank goodness," but more correctly should say, "thank you, Dwight Eisenhower and Lyndon Johnson," for our nonpartisanship. Much has been written lately about the "Johnson Amendment," a provision in Section 501(c)(3) of the tax code that prohibits charitable nonprofits, religious congregations, and foundations from endorsing or opposing candidates for political office or spending resources to support or oppose candidates. That language in tax law was proposed as an amendment by then-Senate Minority Leader Johnson, adopted without controversy by the Republican-controlled Senate, passed by a Republican-controlled Congress, and signed into law by President Eisenhower in 1954. The United States has been better for it ever since.

Our society is better today because 501(c)(3) organizations operate as safe havens from the caustic partisanship that currently bedevils our country. People come together through nonprofits to solve community problems rather than be subjected to the rancorous and divisive partisanship that is ripping America apart.

Yet, currently pending bills would repeal or significantly weaken the Johnson Amendment's longstanding protections by inviting heretofore nonpartisan charitable and philanthropic organizations to endorse or oppose candidates for elected office and divert some amount of their assets away from their missions to instead support partisan campaigns. But Americans don't want to see any part – not even a *de minimis* amount – of their charitable donations redirected by someone else towards a partisan campaign. Nor do they want to see more anonymous, and in this case tax deductible, dark money flowing into political campaigns. Neither do they want one of the few remaining places they can escape – their sacred houses of worship – invaded and plunged into the mire and muck of polarizing partisanship via endorsements.

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If our nation's philanthropic and charitable institutions become just another vehicle for partisan politics, the loss for the people we collectively serve would be immeasurable.

This legislation has ignited a firestorm of strong and growing opposition across the country because it would significantly damage the integrity and effectiveness of all charitable nonprofits and foundations. The bills are terribly misguided and would hurt nonprofits and the millions of people we serve every day.

Proponents claim that mandated nonpartisanship curtails the First Amendment rights of religious, charitable, and philanthropic leaders. But it doesn't. 501(c)(3) organizations aren't silenced today; far from it. They advocate every day on issues relevant to their missions and the people they serve. The Johnson Amendment simply says, if you want to be able to receive tax-exempt status and the ability to receive tax-deductible contributions, then you must refrain from partisan politics. Importantly, similar bans exist in other settings; federal and state laws ban even a *de minimis* use of government resources for partisan campaigns and prohibit government employees from endorsing political candidates.

Charitable nonprofits and private philanthropy are already operating in a precarious space. As governments at the local, state, and federal levels have repeatedly cut budgets, they have offloaded their responsibilities to charitable nonprofits and expect foundations to fill the ever-widening funding gaps. Many nonprofits are already stretched to the breaking point. Most don't have adequate resources to serve everyone looking to them for help. Businesses can afford to lose a few customers and keep their doors open. Even if they close, their customers rarely suffer. But for nonprofits, losing a few key donors or volunteers who are upset that the nonprofit endorsed a particular candidate means that people the nonprofit serves won't have food in their stomachs, clothes on their backs, or a roof over their heads.

America's charitable nonprofits and foundations are eager to work with Congress to overcome the many challenges confronting the people we jointly serve. But the longstanding protection against partisanship works quite well, and the charitable, philanthropic, and much of the religious communities will and do firmly oppose any attempt to repeal or weaken this proven provision that protects our integrity, effectiveness, and trust.