

PROVIDERS' COUNCIL

March 3, 2017

The Honorable U.S. SEN. ELIZABETH WARREN
317 Hart Senate Office Building
Washington, DC 20510

Subject: Strong Opposition to S.264/H.R.781

Dear U.S. SEN. ELIZABETH WARREN:

On behalf of the Providers' Council's membership, I express our strong opposition to the so-called *Free Speech Fairness Act* – S.264/H.R.781. We believe this legislation is not truly about *free speech* fairness but politicizing our important nonprofit, tax-exempt community. It would deter from nonprofits' primary purpose of serving the public interest. In our judgment, eliminating the current intent of the Johnson amendment would blur the clear language that prevents tax-exempt 501(c)(3) charitable organizations from engaging in partisan, election-related activities for or against candidates for public office.

In our view, the Johnson Amendment, which this legislation seeks to repeal, protects charitable nonprofits, foundations and religious congregations from being exploited as partisan tools in the electoral political process by political operatives and politically motivated donors. In expressing our opposition, we join nonprofit and religious leaders across the country who are standing up for nonpartisanship and stepping forward to insist that current law be retained.

In this highly-politicized era, it may be hard to believe that anyone, or any organization, can truly be nonpartisan during election season. But we assure you that the charitable nonprofit community in Massachusetts recognizes the intrinsic value of nonpartisanship in our service delivery and vehemently opposes efforts from those who seek to endorse candidates or syphon off tax-deductible contributions to candidates for elective office.

Why do we feel so strongly? The nonprofit, tax-exempt community is held in very high esteem by the public as our commitment to our missions and our communities is paramount, and not on election politics. Remaining nonpartisan – that is, not endorsing or contributing to candidates – enables organizations to address community challenges, and invites the problem-solving skills of all residents, without the distraction of party labels that have increasingly caused unease and conflict. Thanks to current law, charitable nonprofits are safe havens from politics, a place where people can come together to actually solve community problems, and to worship, learn, care for others and bridge the gulf of mistrust, ignorance or intolerance without subscribing to a political party label.

None of this is to say that charitable nonprofits remain silent on public policies that affect their abilities to advance their missions – quite the contrary. Nonprofits have full legal rights to express their views on policy matters; they just can't endorse, oppose or give money to candidates for public office. Charitable nonprofits help policymakers every day by providing analysis; expressing views on legislation, regulations and ballot measures; and bringing constituents together to debate the issues of the day.

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Further, the Providers' Council – Massachusetts' largest state association of community-based human services providers – strongly encourages our members and all 501(c)(3)s (whether they're houses of worship, early education centers, group homes, community centers, colleges or others) to fully participate in the democratic process of educating the public and elected leaders on matters of public policy and voter registration and engagement. For example, we have run a successful campaign known as CareVote that encourages nonpartisan voter education, urges those working at human services nonprofits to register to vote and asks individuals to pledge to vote on Election Day. We've held two nonpartisan gubernatorial forums where human services issues are discussed and advanced with all stakeholders. Through this work and our continued efforts, we have first-hand seen the importance of nonpartisan voter education in the human services sector.

Whatever advantage some nonprofits would gain by endorsing a candidate or providing tax exempt funding to a campaign would be diminished by the potential loss of tax-exempt dollars from those opposed to the endorsement – not to mention the erosion of the public's confidence in their fidelity to their mission. Nonprofit leaders, preachers, rabbis and imams already have the freedom to speak out on policy issues. Changing the law to permit any and all 501(c)(3) organizations – the more than 1.5 million public charities, private foundations and religious congregations – to make political endorsements could benefit politicians and paid political operatives, but at the loss of public trust of all nonprofits. We believe that loss is too high a price for our communities to pay, a price that would continue to be paid long after the elections are over.

We urge you to publicly express your support for retaining the current law's protection of nonprofit nonpartisanship and the Johnson amendment, and we hope you will state your opposition to this legislation that would weaken the necessary protections in current law.

Sincerely,



Michael Weekes
President/CEO