

August 2025

Dear Friends and Supporters,

You will see Brett Adair's name above. Brett now practices law with me and is doing SLI work, too. He has been a friend for many years and is a very capable attorney. You will hear from him as time goes by.

The Internal Revenue Service recently agreed not to enforce what is called the Johnson Amendment, a provision of the Internal Revenue Code which prohibits churches from engaging in a political campaign, that is, speaking for or against a candidate. That rule has been around since 1954, having been originally proposed by then Senator Lyndon B. Johnson, because he was upset with churches who did not endorse his position.

In a Texas lawsuit, the IRS joined with the National Religious Broadcasters and other parties who were churches, to agree it would no longer enforce that provision. As of this time, the court order has not been entered, but the IRS and the parties proposed an order. We expect the order to be something along the lines of what is proposed in the parties' motion:

"When a house of worship in good faith speaks to its congregation, through its customary channels of communication on matters of faith in connection with religious services, including electoral politics viewed through the lens of religious faith, it neither 'participate [s]' nor 'intervene [s]' in a 'political campaign' within the ordinary meaning of those words."

In other words, it sounds like a pastor could endorse a candidate from the pulpit. On the other hand, churches have always been reluctant to endorse candidates, since members may have different views of candidates. We do not expect this changing of law to have a material impact on most churches, but it will remove any doubts so that churches who want to speak out on candidate campaigns will be able to do so without fear of losing their tax-exempt status.

We must await the final court order and any further explanation from the IRS before we can give clear guidance on what churches are permitted to do. When it comes, we will give a further report. If you have any questions in the meantime, please let us know.

Thank you for your continuing support.

Yours very truly,

A. Eric Johnston

AEJ/pkh