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House of Representatives

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Opening Statement

Rep. Krishnamoorthi, Ranking Member
Hearing on “Examining a Church’s Right to Free Speech”

May 4, 2017

Thank you, Mr. Chairman, and welcome to our witnesses. Mr. Chairman, I strongly support the exercise of free speech by all, including churches and other charitable organizations.

But this hearing is not about free speech. It is about a scheme to flood political campaigns with dark money.

Let’s be clear: Current law does *not* prevent churches or charities from speaking out on any issue. They can speak about all the hot-button issues of the day. They can lobby the government.

In fact, a group of 99 religious and denominational organizations recently sent a letter to congressional leadership explaining that they are currently able to, and I quote:

[U]se their pulpits to address the moral and political issues of the day. They also can, in their personal capacities and without the resources of their houses of worship, endorse and oppose political candidates. Houses of worship can engage in public debate on any issue, host candidate forums, engage in voter registration drives, encourage people to vote, help transport people to the polls and even, with a few boundaries, lobby on specific legislation and invite candidates to speak.

I ask unanimous consent that the letter written by 99 religious and denominational organizations be entered into the hearing record. In other words, current law does *not* restrain the freedom of speech of houses of worship.

However, current law does prohibit fat cat political spenders from laundering their contributions through churches and non-profits and getting a tax deduction to boot.

But that is what some in this room want to do. They want to funnel dark money to the political system through churches. In short, this hearing is about money, not speech. Pure and simple. Over one thousand national and state nonprofit organizations wrote a letter to Congress, saying that current law, quote:

[S]hields the entire 501(c)(3) community against the rancor of partisan politics so the charitable community can be a safe haven where individuals of all beliefs come together to solve community problems free from partisan divisions. It screens out doubts and suspicions regarding ulterior partisan motives of charitable organizations, as undoubtedly would occur if even just a few charitable organizations engaged in partisan politics. I ask unanimous consent that the letter written to us by nonprofit organizations be entered into the hearing record.

Given that nonprofit organizations—including charities, churches, and other houses of worship—support existing law, which prevents churches and charities from becoming politicized, why would anyone want to alter existing law? The answer: To expand the avenues through which dark money can flow into political campaigns.

That is what this hearing is really about. The consequences could be severe. According to the nonprofits' letter, allowing political money into churches and nonprofits would, and I quote:

[D]amage the integrity and effectiveness of all charitable organizations and spawn litigation as innovative partisans seek to expand gray areas in the proposed legislation.

In addition, the proposal, I quote:

[W]ould damage the federal Treasury as people take tax deductions for political contributions they could then funnel through charitable nonprofits, undercut fair elections by providing a loophole to avoid campaign contribution disclosure laws, and empower politicians to exert pressure for access to foundation assets and charitable funds for their own partisan campaigns rather than for the public good.

So today's hearing is not about free speech. It is about a plan to inject more dark money in politics through churches and non-profit organizations.

This is a very bad idea.

It will have a corrosive effect on the churches that become super-PACs and pass-throughs for these campaign contributions. And it will further corrode our democracy.

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