

IRS agrees to monitor churches for electioneering

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(RNS) The Internal Revenue Service said it will monitor churches and other houses of worship for electioneering in a settlement reached with an atheist group.

The settlement was reached Friday (July 18) in federal court in Madison, Wisconsin, where the initial lawsuit was filed in 2012 by the Freedom from Religion Foundation, a Wisconsin-based atheist advocacy group that claims 20,000 members nationwide.

The suit alleged the IRS routinely ignored complaints by the FFRF and others about churches promoting political candidates, issues, or proposed legislation. As part of their tax-exempt status, churches and other religious groups are prohibited from engaging in partisan political activity.

At the time the suit was filed, the IRS maintained it was not ignoring complaints of electioneering, but had failed to hire an official to investigate church politicking, which it had been ordered to do in 2009 as the result of another lawsuit.

"This is a victory, and we're pleased with this development in which the IRS has proved to our satisfaction that it now has in place a protocol to enforce its own anti-electioneering provisions," said Annie Laurie Gaylor, FFRF's co-president.

However, under the current congressional investigation of the IRS for improperly monitoring conservative groups, there is a moratorium on all IRS investigations. Still, Gaylor said the suit may be revived if the IRS fails to police what she called "rogue political churches" after the moratorium is lifted.

But Rob Boston, director of communications for Americans United for Separation of Church and State, a First Amendment watchdog group, was more reserved.

“If the FFRF has managed to wrench some concessions from the IRS over the issue of church politicking, I think that could be very helpful,” he said. “But the fact is, the IRS has been dragging its feet over this matter for some time. What is taking so long?”

Indeed, in 2009, a federal court ordered the IRS to appoint a “high-ranking official” to investigate complaints of politicking by churches and other tax-exempt organizations. A spokesman for the IRS declined to comment on the settlement, saying the IRS does not comment on litigation.

Without IRS confirmation, it is unclear if anyone has been hired.

“I see no signs of progress,” Boston continued. “If the IRS has indeed formulated a new rule for church audits and a process that could lead to a crackdown on the blatant forms of church-based politicking that we have seen, that information must, by law, be published in the Federal Register. I hope to see it there soon.”

Of particular concern to FFRF and other First Amendment advocacy organizations is “Pulpit Freedom Sunday,” a project of Alliance Defending Freedom, which focuses on freedom of religion issues. On Freedom Pulpit Sunday—which was last held in June 2013 with the participation of more than 1,100 churches—pastors are encouraged to advise their congregations on political matters, such as marriage and abortion rights, and even endorse or oppose candidates.

The Freedom from Religion Foundation is widely seen as the most litigious of the dozen or so national atheist advocacy groups. It claims to have brought 40 First Amendment lawsuits since 1977 and is currently involved in legal challenges to a Ten Commandments monument, graduation prayers and a Catholic shrine on public land.