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DISTRICT OF COLUMBIA

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TENNESSEE

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June 4, 2026

The Honorable James Lankford  
United States Senate  
Washington, DC 20510

Dear Senator Lankford,

On behalf of the American Center for Law and Justice (ACLJ) and our hundreds of thousands of supporters who share our views about religious liberty, we write to express our strong support for the policies contained in H.R. 2501, the Free Speech Fairness Act. Thank you for introducing legislation to defend the First Amendment rights of churches, pastors, and faith-based nonprofit organizations across America.

For decades, the Johnson Amendment has cast a chilling effect over religious speech in this country by threatening churches and charitable organizations with the loss of their tax-exempt status if they speak openly on political issues or candidates from the pulpit or in the ordinary course of carrying out their mission. That threat has never been consistent with the text or the First Amendment. The Constitution does not permit the federal government to condition tax-exempt status on the surrender of core religious and political speech rights.

Therefore, the ACLJ has long maintained that the Johnson Amendment is unconstitutional. It places the federal government in the position of policing and suppressing speech based on its content and viewpoint. As we have argued for years, pastors and religious leaders do not abandon their constitutional rights when they enter the pulpit. Nor should churches be forced to choose between faithfully addressing the moral issues of the day and preserving their legal status under the tax code.

While not a full repeal, H.R. 2501 represents an important step toward protecting religious liberty and free speech by ensuring that faith-based organizations will not face punishment merely for expressing viewpoints on political or electoral matters in a manner consistent with their religious mission. Your legislation appropriately recognizes that speaking to issues

affecting the nation, candidates, or public policy is often inseparable from the moral and biblical responsibilities carried out by churches and ministries every day.

The Internal Revenue Service should never function as a speech monitor for America's churches. Yet the Johnson Amendment has too often operated as an intimidation tool, creating uncertainty and fear among pastors and nonprofit leaders who simply seek to apply biblical truth and constitutional principles to contemporary issues. The threat alone has chilled speech protected by the First Amendment.

We were pleased to see that the IRS entered into a proposed consent judgment recognizing that churches and pastors should not lose their tax-exempt status for speaking on political matters in the context of religious services and through customary channels of church communication. That was an important acknowledgment of what the First Amendment has always required: the federal government may not use the tax code to silence religious speech from the pulpit.

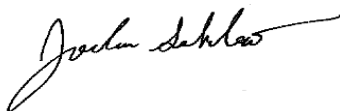
However, a federal district court recently rejected that proposed consent agreement and dismissed the case on jurisdictional grounds, leaving the Johnson Amendment's statutory text in place and the rights of churches still vulnerable to future enforcement uncertainty. While the Trump Administration has been steadfast in not actively enforcing the Johnson Amendment, that ruling makes clear why Congress must act. Administrative discretion and litigation settlements are not enough. The need for permanent statutory protection remains urgent.

America's Founders understood that free speech and free exercise of religion are inseparable liberties. A government powerful enough to silence churches on matters of public concern is a government operating far outside the constitutional boundaries established by the First Amendment. Religious liberty is not confined to private worship. It includes the right to speak truth in the public square without coercion or fear.

The ACLJ strongly supports efforts that reinforce those constitutional protections and prevent federal agencies from weaponizing the tax code against people of faith. H.R. 2501 advances those principles and provides meaningful safeguards for churches and charitable organizations seeking to faithfully exercise their constitutional rights.

Thank you again for your leadership on this critical issue and for your commitment to defending religious liberty, free speech, and the constitutional freedoms that make this nation exceptional.

Sincerely,



Jordan Sekulow  
Executive Director  
American Center for Law and Justice



Mark Kelly  
Director of Government Affairs  
American Center for Law and Justice