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# United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

JEFFREY WRASE, STAFF DIRECTOR AND CHIEF ECONOMIST  
JOSHUA SHEINKMAN, DEMOCRATIC STAFF DIRECTOR

October 1, 2018

The Honorable Charles P. Rettig  
Commissioner  
Internal Revenue Service  
111 Constitution Avenue, N.W.  
Washington, DC 20224

Dear Commissioner Rettig,

During your Senate Finance Committee nomination hearing earlier this year, I asked you to respond to Vice President Pence's May 25 statement that the statutory prohibition on political activity by charities, "will no longer be enforced under this administration."

You responded to my question, stating, "If I am confirmed, I will be in charge of the Internal Revenue Service, and will make sure that the Internal Revenue Service move forward, follow the law in an impartial and nonbiased manner."

As you know, the prohibition on political campaign activity by charities (sometimes referred to as the "Johnson Amendment") was added to Internal Revenue Code (IRC) section 501(c)(3) in 1954 without objection after more than two years of Congressional deliberation. These deliberations included more than 16 Congressional hearings over a span of 35 days held by two special Congressional committees and the issuance of two Congressional reports which recommended the complete ban on political activity by entities eligible to receive tax deductible charitable contributions. These critical protections have for more than 60 years insulated the charitable organizations serving our communities from increasingly rancorous political campaigns, ensured that charities administering government grant programs are protected from undue political influence, and served as a key component of our campaign finance laws.

Despite your statement during your Finance Committee nomination hearing that the Internal Revenue Service (IRS), under your leadership, would follow the letter of the law, Vice President Pence recently reaffirmed his commitment that the IRS would not enforce the prohibition on political activity by charities. Specifically, speaking at the Values Voter Summit on September 22, the Vice President stated, "In this White House we believe that freedom of speech shouldn't end at the threshold of our churches and we ended enforcement of the Johnson Amendment."

In light of the Vice President's recent statements, I believe it is imperative that as Commissioner, you assert the independence of the IRS and your commitment to follow the letter of the law. Accordingly, I request that you reject the Vice President's statement and affirm to the Finance Committee that the IRS, under your leadership, will enforce the Johnson Amendment as required by law.

In addition, as you know, IRC section 7217 prohibits the President, Vice President, or any employee thereof from directly or indirectly requesting the IRS terminate an investigation of any particular taxpayer. I ask you to commit that if you become aware that any such person has requested the IRS

terminate an investigation into violations of the prohibition on political activity by charities, that you will inform the Finance Committee and the Treasury Inspector General for Tax Administration of such violation of law.

Thank you for your prompt response to these important questions.

Sincerely,

A handwritten signature in blue ink that reads "Ron Wyden". The signature is written in a cursive, flowing style.

Ron Wyden  
Ranking Member  
Committee on Finance