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S.B. 1074, An Act Relative to Charities

- Senate Bill 1074, “An Act Relative to Charities,” would strip religious protections from the Commonwealth’s statutes governing financial reporting by public charities. The bill would subject churches and other religious institutions to reporting requirements and to the Attorney General’s oversight, supervision, and even reversal of internal religious decisions. Senate 1074 threatens the constitutional balance between church and state.
- The bill is opposed not only by the Roman Catholic bishops, but also by an extraordinarily broad range of groups including the Mass. Council of Churches (representing 17 Protestant denominations), the Black Ministerial Alliance, the Islamic Council of New England, the Mass. Assoc. of Temple and Synagogue Administrators, the Synagogue Council of Massachusetts, the Union of Reform Judaism-Northeast Council, the United Synagogue of Conservative Judaism-N.Eng. Region, the Mass. Family Institute, the Christian Science Church, the Salvation Army and the Anti-Defamation League.
- Religious organizations would be required each year to register with the Attorney General’s office indicating its intention to solicit funds, the purpose and the results. Solicitation of funds by a religion is part of its core mission and ministry. It should not be subject to government regulation.
- The bill would eliminate the exemption for religious organizations from filing as a corporation with the Secretary of the Commonwealth while leaving the exemption in place for charitable hospitals, tax-exempt libraries, and non-profit colleges. This provision highlights the fact that S.1074 is not so much about fairness and equal treatment of religion but rather is directed at selectively imposing secular requirements on religion.
- It is not the role of government to take sides on internal religious discussions about which parish to close or which ministry to fund. This bill would subject those decisions to reversal by the Attorney General, whose office is charged with investigating public charities.
- Thus, the concerns with the bill go far deeper, touching on the constitutional balance between church and state. Religion is the only non-profit category that enjoys constitutional protection, not because of its charitable work, as important as that is, but because of its essential role in nurturing the spiritual well-being of citizens. People do not go to their local little league for pastoral guidance. They do not call the United Way to arrange a funeral. The bill’s sponsors demean the richness of faith when they refer to a parish as “my local charity.” The bill seeks to lump in religion with secular charities, and by inviting state regulation of the internal workings of churches, crosses the constitutional line guaranteeing that government will not dominate religion or interfere with the free exercise of religion.