



Francis J. O'Connor
General Counsel

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MEMORANDUM

To: Pastors and Administrators, Principals of Parish Schools and Incorporated Schools, and Management of RCAB-Affiliated Entities

From: Francis J. O'Connor, General Counsel – Archdiocese of Boston

RE: Political Activities

Date: August 25, 2020 _____

I am issuing this Memorandum as a reminder to: 1. Be cautious and more aware of the impact your statements have when they relate to political activities; and 2. To update you with the most recent guidelines published by the United States Conference of Catholic Bishops (“USCCB”) since my Memorandum dated July 13, 2020.

Since the issuance of the previous Memorandum, the Archdiocese has seen a significant increase in political activity from individuals and groups that give the appearance they are affiliated with the Archdiocese. We have fielded a number of complaints from both sides of the political party affiliations relating to statements, publications, and social media posts which the complainants have found objectionable. In turn, many of these statements, publications, and posts have invited, intentionally or otherwise, reactive statements, comments, and posts which also have stirred controversy. Therefore, it is important to once again remind you of the limitations on political activities that may be conducted by non-profit entities. While being a member of the clergy or an employee of an RCAB-affiliated entity does not in any way diminish your individual rights as a citizen to participate in the political process, you must be aware of the guidelines published by the USCCB Office of General Counsel to dioceses, parishes, and other Catholic organizations to assist them in distinguishing activities that are permitted during election campaigns from activities that are prohibited.

The Internal Revenue Code contains provisions directing that an organization exempt from federal income tax under Section 501(a) and described in Section 501(c)(3) may not “participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.” The definition(s) of what constitutes such participation are fairly broad and inclusive. The USCCB released on July 21, 2020 an updated, “Political Activity and Lobbying Guidelines for Catholic Organizations” (the “Guidelines”) which may be found at the following USCCB link: <http://www.usccb.org/about/general-counsel/political-activity-guidelines.cfm>. Although the Guidelines do not contemplate every possible circumstance in which you may find yourself, they do answer many of the questions that you might face. It is the preferred recommendation to refrain from any form of political activity if there is a chance it might be construed as contrary to the

Guidelines. This includes the posting of signs which carry a political message or support a political cause. Church property should not be used to place such signs. As set forth in the Guidelines:

The placement of political signs is essentially an attribution issue. Political signs should not be placed on property owned by Catholic organizations or rented by Catholic organizations for official business. Section 501(c)(3) does not prohibit the placement of political signs on the personally owned property of Church officials or employees.

Emphasis on the use of Social Media as it relates to potential political activity is a point worthy of repetition. Social Media such as blogs and various social networking sites like Twitter, Facebook, Instagram and YouTube present significant risks of violating the political campaign intervention prohibition. Reiterating that one's individual rights to participate in the political process are not intended to be diminished, one's presence on Social Media, even beyond an organization's page or website, can be associated with the organization. Blurring the lines between an individual's personal thoughts and opinions and the appearance of a connection to the Church or a Church related entity to which those personal thoughts or opinions can be attributed to presents unacceptable risk and jeopardy to the Church's tax-exempt status. These risks present ever increasing challenges to the ability of an exempt organization from crossing the line into unpermitted political activity.

Social Media issues concerning a non-profit organization will draw heightened scrutiny in a highly charged political atmosphere as the one in which we find ourselves today. Questions to keep in mind are: (1) Whether the post or communication at issue expresses an opinion (positive or negative) about a particular candidate?; (2) Whether that communication is attributable to the Catholic organization?; and (3) Have the organization's resources (e.g. email, internet server, copiers, supplies, etc.) been used in any way to create or distribute the communication?

In the current atmosphere and political climate it is easy to get caught up promoting or advocating a particular viewpoint or stance as that viewpoint or stance relates to political campaigns or political activities in general. I would urge for the better of our organization to refrain from expressing those opinions which will draw negative attention regardless of ideology as well as possible unwelcome attention from the IRS. The tax exemption issue is an increasing priority with the IRS. I encourage you to read the Guidelines thoroughly for more information regarding this important topic.

If you have any questions concerning this issue, please do not hesitate to contact me at 617-746-5680 or email me at Francis_O'Connor@rcab.org.