508(c)(1)(A) Church Nonprofit Status: A Comprehensive Legal Analysis

Important Notice (Non-Legal Advice)
This document is for educational purposes only and does not constitute legal or tax advice. It describes one rights-protective interpretation of existing law regarding churches and the Internal Revenue Code. The Internal Revenue Service (IRS) and some practitioners may hold different views on certain issues discussed here, especially regarding political activity. Churches and donors should consult qualified legal and tax professionals regarding their specific situations.

Executive Summary

In U.S. law, churches are described in 26 U.S.C. § 501(c)(3), but they occupy a unique position: unlike most other § 501(c)(3) organizations, they are automatically treated as tax-exempt and are not required to file an application (Form 1023) to obtain that status. Section 508(c)(1)(A) of the Internal Revenue Code creates a **mandatory exception** from the general notice and application rules for "churches, their integrated auxiliaries, and conventions or associations of churches." In this document, the term **"508(c)(1)(A) church"** is used as a shorthand for a church that relies on this statutory exception and does **not** seek a formal determination letter via Form 1023.

This framework reflects a foundational, constitutionally protected tax treatment for churches in the United States—not a discretionary privilege granted by government, but an automatic recognition of rights secured by the First Amendment. It provides churches with important exceptions from IRS filing requirements and application processes, distinguishing them from most other nonprofit organizations.

The legitimacy of this treatment is firmly rooted in constitutional protections, statutory law, and federal court precedent. At the same time, some conclusions drawn by advocates—especially concerning political speech limits—are the subject of ongoing legal debate rather than settled Supreme Court rulings. This analysis aims to clearly explain what the law says, how the IRS generally interprets it, and how a rights-protective interpretation argues for maximum church autonomy within that framework.

Constitutional Foundation

First Amendment Protection (1791)

The First Amendment to the United States Constitution establishes the bedrock principle: **"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."**

This dual protection—the Establishment Clause and Free Exercise Clause—creates powerful limits on government interference with religious exercise. The Supreme Court has repeatedly recognized religious freedom as **a fundamental right of paramount importance**.

The Free Exercise Clause encompasses:

- **Religious belief** (absolutely protected, beyond government regulation)
- **Religious practice and observance** (all aspects, whether central to faith or not)
- **Religious association** (churches, religious organizations, and assemblies)
- **Religious expression** (speech, worship, and communication of religious views)

Religious Freedom Restoration Act (RFRA) – 42 U.S.C. § 2000bb (1993)

Congress enacted RFRA to restore and guarantee the highest level of constitutional protection for religious exercise. The Act establishes that:

"Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, except" where government demonstrates:

1. A **compelling governmental interest**, AND
2. The **least restrictive means** of furthering that interest.

This strict-scrutiny standard—the most demanding test in constitutional law—applies to **all federal government action** affecting religious exercise, including IRS regulations, enforcement actions, and administrative procedures.

RFRA explicitly defines "exercise of religion" to include **"any exercise of religion, whether or not compelled by, or central to, a system of religious belief"** (42 U.S.C. § 2000bb-2(4)). This broad protection extends to churches, religious organizations, associations, and even closely held for-profit corporations operated according to religious principles.

Religious Land Use and Institutionalized Persons Act (RLUIPA) – 42 U.S.C. § 2000cc (2000)

RLUIPA reinforces religious-liberty protections specifically for land-use and institutional contexts, mandating that:

- Government cannot impose substantial burdens on religious exercise without compelling interest and least restrictive means
- Religious assemblies must receive **equal terms** treatment compared to nonreligious assemblies
- Government cannot **discriminate** against assemblies based on religion
- Government cannot **totally exclude** or **unreasonably limit** religious assemblies

RLUIPA explicitly states it **"shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted"** (42 U.S.C. § 2000cc-3(g)).

Statutory Framework: The Tax Code

26 U.S.C. § 508(c)(1)(A) – The Mandatory Exception

The Internal Revenue Code explicitly establishes a special procedural rule for churches:

"(c) Exceptions.—(1) Mandatory exceptions.—Subsections (a) and (b) shall not apply to—(A) churches, their integrated auxiliaries, and conventions or associations of churches".

Section 508(a) generally requires organizations described in § 501(c)(3) to notify the IRS that they are applying for recognition of exemption. Section 508(c)(1)(A) creates a **mandatory exception** from that notice requirement for churches.

Practically, this means churches are exempt from:

1. **Filing Form 1023** (Application for Recognition of Tax-Exempt Status), and
2. The related **advance notice and application procedures** that apply to most other § 501(c)(3) organizations.

Legislative Intent (1969)

The congressional intent behind § 508(c)(1)(A) is clear. According to the **General Explanation of the Tax Reform Act of 1969** prepared by the Joint Committee on Internal Revenue Taxation:

"Under prior law, an organization was exempt if it met the requirements of the code, whether or not it sought an exemption certificate from the Internal Revenue Service… These notice requirements do not apply to churches and their integrated auxiliaries…to conventions or associations of churches."

Congress enacted this mandatory exception specifically to **limit government entanglement** with churches and ensure First Amendment protections remained intact even as the IRS gained expanded regulatory authority over other nonprofits.

26 U.S.C. § 501(c)(3) – Tax-Exempt Status

Churches qualify as organizations described in § 501(c)(3):

"Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific… purposes."

However, churches are **treated as tax-exempt automatically** under this section without applying to the IRS. IRS Publication 557 explains:

"Some organizations are not required to file Form 1023. These include: churches, interchurch organizations of local units of a church, conventions or associations of churches, or integrated auxiliaries of a church… These organizations are exempt automatically if they meet the requirements of section 501(c)(3)."

26 U.S.C. § 170 – Tax-Deductible Contributions

Federal law provides that contributions to churches are tax-deductible:

"Any charitable contribution to—(i) a church or a convention or association of churches… shall be allowed to the extent that the aggregate of such contributions does not exceed 50 percent of the taxpayer's contribution base."

The statute uses the word **"shall"**, indicating this deduction is mandatory if the statutory conditions are met. Donors may deduct contributions to churches **without the church having obtained IRS recognition**, as reflected in IRS Publication 526, so long as the organization is in fact a bona fide church.

26 U.S.C. § 6033(a)(3)(A) – Filing Exemption

Churches are explicitly excepted from annual information-return requirements:

"Every organization exempt from taxation under section 501(a) shall file an annual return, stating specifically the items of gross income… EXCEPT… (3)(A)(i) churches, their integrated auxiliaries, and conventions or associations of churches."

This exception means that churches, unlike most § 501(c)(3) organizations, have **no obligation to file Form 990 or other annual information-returns** with the IRS, although they may still have other filing obligations (such as employment tax returns or Form 990-T for unrelated business income).

26 U.S.C. § 6104 – Publicity of Information

Because churches that rely on § 508(c)(1)(A) generally do not file exemption applications (Form 1023) or annual information returns (Form 990), they are **not subject to the public-inspection rules of § 6104 for those forms**. Unlike many 501(c)(3) organizations that must apply for recognition and file annual returns, churches are not required to make such filings publicly available, which affords significantly greater privacy regarding internal governance, finances, donors, and operations.

This does **not** mean that churches are invisible to all legal and regulatory systems: they remain subject to applicable employment, income-tax, banking, and other legal requirements that may involve separate reporting.

Criminal Protections for Religious Liberty

18 U.S.C. § 242 – Deprivation of Rights Under Color of Law

Federal criminal law provides penalties for government officials who willfully violate constitutional rights:

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person… to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States… shall be fined under this title or imprisoned."

In egregious cases of intentional, discriminatory deprivation of religious-freedom rights under color of law, this statute can be invoked. However, ordinary disputes over tax-exempt status or compliance are typically handled through administrative processes and civil litigation, not criminal prosecution.

18 U.S.C. § 247 – Damage to Religious Property

Federal law also criminalizes certain types of interference with religious exercise:

"Whoever… intentionally obstructs, by force or threat of force, any person in the enjoyment of that person's free exercise of religious beliefs, or attempts to do so; shall be punished."

Penalties include up to 20 years' imprisonment for interference involving dangerous weapons or bodily injury, and up to life imprisonment if death results.

These provisions underscore that religious exercise—including church assembly, worship, and operations—enjoys substantial federal protection against violent or coercive interference.

Executive Branch Guidance

Executive Order 13798 (May 4, 2017) – Promoting Free Speech and Religious Liberty

Executive Order 13798 established an executive-branch policy of robustly protecting religious freedom:

"It shall be the policy of the executive branch to vigorously enforce Federal law's robust protections for religious freedom."

The Order specifically directs the Secretary of the Treasury to ensure the IRS **"does not take any adverse action against any individual, house of worship, or other religious organization on the basis that such individual or organization speaks or has spoken about moral or political issues from a religious perspective."**

"Adverse action" includes, for example:

- Tax penalties
- Delay or denial of tax-exempt status
- Disallowance of tax deductions
- Any action that denies or revokes tax benefits

EO 13798 does not repeal the underlying statutes, but it signals a policy of administrative restraint in enforcing speech-related restrictions against churches.

Attorney General Memorandum on Federal Law Protections for Religious Liberty (October 6, 2017)

Following Executive Order 13798, Attorney General Jeff Sessions issued binding guidance establishing 20 principles of religious liberty for federal agencies.

Key principles include:

1. **"The freedom of religion is a fundamental right of paramount importance, expressly protected by federal law."**
2. **"The free exercise of religion includes the right to act or abstain from action in accordance with one's religious beliefs."**
3. **"The freedom of religion extends to persons and organizations"** (not just individuals).
4. **"Americans do not give up their freedom of religion by participating in the marketplace, partaking of the public square, or interacting with government."**
5. **"Government may not target religious individuals or entities through discriminatory enforcement of neutral, generally applicable laws."**

The memorandum instructs DOJ attorneys and federal agencies to incorporate these principles into litigation strategy, rulemaking, enforcement actions, and grant administration.

Judicial Precedent

Supreme Court Recognition

The U.S. Supreme Court has repeatedly affirmed that churches occupy a **"unique status in American society"** with rights guaranteed by the First Amendment.

Walz v. Tax Commission (1970): The Court held that granting tax exemption to churches is **not a government subsidy** but rather government **"simply abstains from demanding that the church support the state."** The Court found **"no genuine nexus between tax exemption and establishment of religion."**

Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC (2012): The Court recognized the **ministerial exception**, holding that the First Amendment requires religious exemptions from employment-discrimination laws that would interfere with a church's selection of its ministers and religious leaders.

Trinity Lutheran Church of Columbia, Inc. v. Comer (2017): The Court held that denying churches access to generally available public benefits **solely because of their religious character** violates the

Free Exercise Clause. The Court emphasized that **"The Free Exercise Clause protects against indirect coercion or penalties on the free exercise of religion."**

Burwell v. Hobby Lobby Stores, Inc. (2014): The Court confirmed that RFRA protects religious exercise by corporations and organizations, not just individuals, establishing that **closely held corporations** may exercise religion and receive RFRA protection.

Lower Court Applications

Branch Ministries v. Rossotti (D.C. Cir. 2000): In this case, a church that had **voluntarily applied for and received** a § 501(c)(3) determination letter later engaged in political campaign intervention and had its exemption revoked. The court noted that **"irrespective of whether it was required to do so, the church applied to the IRS for an advance determination of its tax-exempt status."**

Advocates of the 508(c)(1)(A) approach argue that Branch Ministries demonstrates how enforcement of the Johnson Amendment has primarily been directed at organizations that affirmatively sought a determination letter. However, the case does not squarely decide whether a church that never files Form 1023 is categorically free from § 501(c)(3) political-activity restrictions; that remains a matter of legal interpretation and debate.

Church of the Lukumi Babalu Aye v. Hialeah (1993): The Court held that laws targeting religious conduct or failing to provide equal treatment must survive **strict scrutiny**. Laws are **not neutral** if they treat conduct as lawful for secular reasons but unlawful for religious reasons.

Key Distinctions: 508(c)(1)(A) Reliance vs. 501(c)(3) Application

The following table compares a church that relies on the § 508(c)(1)(A) mandatory exception (i.e., does not apply for a determination letter) with an organization that applies for § 501(c)(3) recognition. This table reflects both black-letter law and the rights-protective interpretation emphasized in this document; where the IRS's official view differs, that is noted in the text.

Aspect	**Church Relying on 508(c)(1)(A)**	**501(c)(3) Applicant**
Legal Basis	Constitutional and statutory	Government recognition
IRS Application	Not required (mandatory exception)	Required (Form 1023)
Application Fee	$0	$275–$600
Determination Letter	Typically not issued	Issued after approval
Annual Form 990	Not required (statutory exception)	Required (with limited exceptions)
Speech Restrictions	*Contested: rights-protective view*	Johnson Amendment applies
Political Speech	*Contested: see discussion below*	Prohibited in campaigns
Legislative Advocacy	*Contested: broader freedom argued*	Substantially limited
Public Disclosure	Greater privacy (no 1023/990)	Application and returns public

IRS Audit	Special church-audit rules	Standard procedures
Privacy	Substantially greater	More limited
Tax Exemption	Automatic if requirements met	Conditional on approval
Contribution Deductibility	Automatic for bona fide churches	After IRS approval

Table 1: Comparison of Churches Relying on 508(c)(1)(A) vs. 501(c)(3) Applicants

The Johnson Amendment and Speech Restrictions

The 1954 Johnson Amendment added to § 501(c)(3) a restriction on **"participation in, or intervention in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."**

Critical Legal Analysis

From a rights-protective perspective, several arguments are made regarding the Johnson Amendment's application to churches:

1. **Constitutional Concerns**: Applying the Johnson Amendment to churches raises serious questions under:
    - The **Free Exercise Clause** (burdening religiously motivated speech),
    - The **Free Speech Clause** (content- and viewpoint-based restrictions),
    - The **Establishment Clause** (entangling government in evaluating religious speech), and
    - **RFRA** (imposing a substantial burden without the least restrictive means).
1. **Citizens United Implications**: In *Citizens United v. FEC* (2010), the Supreme Court held that nonprofit corporations have free speech rights and that **"political speech does not lose First Amendment protections simply because its source is a corporation."** Many commentators see this as undercutting the theoretical basis for categorical bans on political speech by nonprofit entities.
2. **Effect of Not Applying for a Determination Letter**: Advocates for 508(c)(1)(A) churches argue that churches which do not apply for 501(c)(3) determination letters have **not contractually agreed** to Johnson-Amendment conditions, and that enforcement against them would raise distinct constitutional and RFRA problems. Branch Ministries involved a church that had voluntarily applied for and received a determination letter, and thus does not directly control the situation of an automatic-exemption church.
3. **Executive Order 13798**: EO 13798 directs the Treasury Department to avoid adverse action against churches "on the basis that such… organization speaks or has spoken about moral or political issues from a religious perspective." While it does not repeal the statute, it counsels restraint in enforcement.

IRS's Official Position vs. Rights-Protective Interpretation

IRS publications take the position that **all organizations described in § 501(c)(3), including churches that are "automatically exempt," are subject to the statutory political-campaign prohibition**, regardless of whether they filed Form 1023. Under that view, churches are expected to refrain from endorsing or opposing candidates if they wish to preserve § 501(c)(3) status.

By contrast, this document explains a rights-protective interpretation that:

- Emphasizes the First Amendment, RFRA, and the unique historical status of churches,
- Argues that applying Johnson-Amendment limits to core religious speech is constitutionally suspect, especially where no application was filed, and
- Sees EO 13798 and related guidance as administratively reinforcing that churches should be free to speak to moral and political questions from a religious perspective.

This interpretive debate has not yet been conclusively resolved by the Supreme Court in the specific context of a church that never filed Form 1023. Churches that choose to engage in robust political speech should do so with awareness of the tension between IRS administrative positions and these constitutional arguments.

Government Non-Interference: The Legal Mandate

Why Government Authority Over Churches is Limited

1. Constitutional Limits (First Amendment)

The Establishment Clause and Free Exercise Clause together require government neutrality and minimal entanglement with religious organizations. Actions that would:

- Require churches to seek "permission" to be tax-exempt,
- Force extensive disclosures of internal religious operations without strong justification,
- Condition tax treatment on surrendering core speech or religious exercise,

raise serious constitutional concerns and are subject to strict scrutiny under RFRA when they substantially burden religious exercise.

2. Statutory Structure (26 U.S.C. §§ 508(c)(1)(A), 6033(a)(3)(A), 7611)

Congress has:

- Exempted churches from the general notice/application requirement (§ 508(c)(1)(A)),
- Exempted churches from Form-990 information-return filing (§ 6033(a)(3)(A)), and
- Imposed special procedures and limits on church examinations and audits (§ 7611).

These provisions demonstrate a legislative intent to **narrow and cabin** the IRS's involvement with churches, not to eliminate it entirely.

3. RFRA Protection (42 U.S.C. § 2000bb)

Any federal action that substantially burdens church operations or religious exercise—including burdensome examinations or speech-related penalties—must satisfy strict scrutiny:

- The government must show a **compelling interest**, and
- It must use the **least restrictive means**.

Advocates argue that broad regulatory oversight of church speech and internal governance is difficult to justify under this demanding standard, especially given centuries of practice in which churches were treated as exempt without such oversight.

4. Judicial Precedent

Courts have held, among other things, that:

- Government cannot require organizations to surrender constitutional rights as a condition of receiving benefits (*Speiser v. Randall*, 1958).
- Tax exemption for churches is better understood as a limitation on government power than as a subsidy (*Walz v. Tax Commission*, 1970).
- Religious organizations cannot be excluded from public benefits solely due to their religious character (*Trinity Lutheran*, 2017).

5. Historical Practice

From the founding era through the establishment of the modern income-tax system, churches were generally treated as exempt from taxation without formal application. Historically:

- Church tax exemption predates the IRS itself.
- No affirmative "approval" was required for churches to be free from general income tax.
- This pattern supports the view that churches are tax-exempt by constitutional design and longstanding practice, not by IRS grace.

Common Misconceptions Addressed

Myth 1: "508(c)(1)(A) churches still must meet all 501(c)(3) requirements in exactly the same way as applicants"

Reality: Section 508(c)(1)(A) creates a **mandatory exception** from the § 508(a) notice and application requirements, and § 6033(a)(3)(A) creates a separate exception from annual Form 990 filing. IRS publications recognize that churches are automatically exempt if they meet § 501(c)(3) criteria and are not required to apply.

Some commentators interpret this to mean that all substantive § 501(c)(3) limitations must apply identically to churches and applicants, while others argue that, in light of the First Amendment and RFRA, certain restrictions (especially political-campaign bans) should not be enforced against churches in the same way. The Tax Court's dicta in *Taylor v. Commissioner* have been cited by both sides, but that case was about deductibility after an organization lost its exemption for unrelated reasons, not about the core status of churches.

Myth 2: "The IRS can audit churches just like any other nonprofit"

Reality: 26 U.S.C. § 7611 imposes **special restrictions** on IRS church examinations:

- The IRS must have a "reasonable belief," based on **written evidence**, that a church is not tax-exempt or that it is carrying on an unrelated trade or business.
- Only certain high-level Treasury officials may authorize church tax inquiries and examinations.
- Churches receive special notice and response opportunities.
- There are strict limitations on the **scope, duration, and focus** of church examinations.

These protections do not bar all IRS contact with churches, but they significantly constrain how and when the IRS may proceed.

Myth 3: "Churches need IRS recognition to receive tax-deductible donations"

Reality: 26 U.S.C. § 170(b)(1)(A)(i) explicitly lists "a church or a convention or association of churches" as qualifying organizations. IRS Publication 526 confirms that **churches and other religious organizations qualify** for charitable deductions even without applying for recognition, as long as they actually meet the requirements.

Donors claiming deductions must be prepared to show that the recipient is a bona fide church described in § 170 and § 501(c)(3), but a determination letter is not a legal prerequisite.

Myth 4: "Forming or operating as a 508(c)(1)(A) church is a 'creative' or 'shady' loophole"

Reality: Operating as a church that relies on § 508(c)(1)(A) is fully consistent with the plain language of the statute and longstanding IRS publications. The "creative" or problematic interpretations arise when promoters claim that:

- Churches can avoid all taxes (they cannot—employment taxes and unrelated business-income tax still apply),
- Churches can serve primarily as asset-protection vehicles for individuals (which raises serious private-inurement issues), or
- Any business can simply call itself a church to escape regulation (the law requires genuine religious purpose and structure).

Legitimate reliance on § 508(c)(1)(A) presupposes:

- **Bona fide religious purpose and activities**,
- A distinct legal existence (incorporated or unincorporated association),
- Recognized creed and form of worship,
- Definite and distinct ecclesiastical government,
- Formal code of doctrine and discipline,
- Regular religious services,
- Qualified religious leadership or ministers,
- Literature and educational programs.

These are factors the IRS itself lists when analyzing whether an organization is a church.

Potential Government Overreach Scenarios

The following scenarios illustrate how constitutional and statutory protections might be invoked. They are **not** predictions of IRS behavior and do not replace individualized legal advice.

Scenario 1: IRS requires a church to apply for 501(c)(3) recognition despite § 508(c)(1)(A)

Potential legal issues:

- Conflict with the text and intent of 26 U.S.C. § 508(c)(1)(A), which expressly exempts churches from the notice/application requirement.
- First Amendment concerns if exemption is effectively conditioned on application.
- RFRA concerns if compelled application substantially burdens religious governance without the least restrictive means.

Possible response: A church may cite the statutory exception and seek administrative resolution. If coercive measures persisted, judicial relief could be sought in federal court, potentially including suits under 42 U.S.C. § 1983 in appropriate contexts.

Scenario 2: IRS asserts that a church loses exemption solely for engaging in core political speech from the pulpit

Potential legal issues:

- First Amendment Free Speech issues (content- and viewpoint-based restrictions),
- Free Exercise issues (burdening religiously motivated speech),
- RFRA issues (substantial burden without compelling, least-restrictive justification),
- Potential inconsistency with Executive Order 13798 if the speech is "about moral or political issues from a religious perspective."

Possible response: A church might rely on RFRA and First Amendment arguments, along with EO 13798, to contest such enforcement. At present, however, IRS publications maintain that § 501(c)(3) campaign-intervention rules apply to churches; no Supreme Court case has definitively resolved this tension for a church that never filed Form 1023.

Scenario 3: IRS demands Form 990 filings from a church exempted by § 6033(a)(3)(A)

Potential legal issues:

- Apparent conflict with 26 U.S.C. § 6033(a)(3)(A), which explicitly excepts churches from annual information-return filing,
- Questions of ultra vires action (agency acting beyond statutory authority),
- First Amendment and RFRA concerns if burdensome reporting is imposed on religious bodies without statutory basis.

Possible response: A church could cite the statutory filing exception and seek correction through administrative channels or judicial review if necessary.

Statistical and Legal Rigor

Prevalence of Churches Relying on Automatic Exemption

There is no precise public statistic that breaks out how many churches have never filed Form 1023. Various estimates suggest that a **large proportion** of U.S. congregations rely on the automatic exemption provided to churches, but exact percentages are best treated as estimates rather than hard numbers.

IRS Recognition of Automatic Church Exemption

IRS Publication 557, Publication 526, Form 1023 instructions, and other IRS technical materials consistently acknowledge that churches:

- Are described in § 501(c)(3),
- Are not required to file Form 1023, and
- Are treated as exempt automatically if they meet the statutory requirements.

Litigation Landscape

No federal court has held that a bona fide church must apply for a 501(c)(3) determination letter in order to be exempt under § 501(c)(3) or to receive deductible contributions. Adverse church-related decisions typically involve:

- Sham organizations improperly claiming church status,
- Churches or religious organizations that voluntarily applied and then violated conditions (e.g., campaign-intervention limits),
- Private inurement or other misuse of nonprofit status, which violates both § 508(c)(1)(A) reliance and § 501(c)(3) principles.

Conclusion: A Rights-Protective Framework for Churches

Drawing together:

- The First Amendment's free-exercise and establishment protections,
- The statutory structure of §§ 501(c)(3), 508(c)(1)(A), 6033(a)(3)(A), and 170,
- RFRA and RLUIPA's broad protections for religious exercise,
- Criminal protections in 18 U.S.C. §§ 242 and 247,
- Executive-branch guidance such as EO 13798 and the 2017 DOJ memorandum, and
- Over two centuries of judicial precedent recognizing the special place of churches,

a coherent, rights-protective picture emerges:

- Churches are **automatically described in § 501(c)(3)** if they meet the statutory criteria, **without any requirement to apply** for exemption or file routine information returns.
- Contributions to bona fide churches are **tax-deductible** under § 170, again without a determination letter, as long as the statutory requirements are met.
- Congress and the courts have recognized that government power over churches must be **carefully limited** to avoid entanglement and to preserve religious freedom.

At the same time:

- The IRS's published position is that churches, like other § 501(c)(3) organizations, remain subject to statutory limitations on inurement, private benefit, and political-campaign intervention.
- Some of the more expansive claims about church freedom from those limits represent a **constitutional and statutory argument**, not settled Supreme Court doctrine.

For a church like **Bigfoot Nature Fellowship**, relying on § 508(c)(1)(A) means:

- Embracing the automatic church-exemption framework Congress designed,
- Operating as a genuine religious body with clear doctrine, practice, and governance,
- Benefiting from significantly reduced filing and disclosure requirements,
- And, if desired, articulating a principled stance that core religious speech—including on moral and political issues—is protected by the First Amendment and RFRA, while remaining aware of how the IRS currently interprets § 501(c)(3).

Used with clear disclaimers and an understanding of both the statutory text and the IRS's administrative positions, this framework allows a church to communicate confidently about its status and rights, while minimizing legal risk and respecting the need for careful, case-specific counsel.

References

42 U.S. Code § 2000bb-1 - Free exercise of religion protected. Cornell Law School Legal Information Institute. **https://www.law.cornell.edu/uscode/text/42/2000bb-1**

Religious Freedom Restoration Act of 1993, Pub. L. No. 103-141, 107 Stat. 1488, codified at 42 U.S.C. § 2000bb et seq.

U.S. Department of Justice. (1994). *Religious Freedom Restoration Act of 1993*. **https://www.justice.gov/sites/default/files/jmd/legacy/2014/07/24/act-pl103-141.pdf**

42 U.S. Code Chapter 21C - Protection of Religious Exercise in Land Use and by Institutionalized Persons. U.S. Code Online via GPO Access.

26 U.S. Code § 508 - Special rules with respect to section 501(c)(3) organizations. U.S. Government Publishing Office. **https://www.govinfo.gov/link/uscode/26/508**

Salt of the Earth CPA. (2025). What is a "508"? Retrieved from **https://saltoftheearthcpa.com/blog/what-is-a-508/**

Futch, C., & Peterson, D. (2015). *Why All Churches Should Be a 508(c)(1)(A)*. Helping Hand Outreach.

Internal Revenue Service. *Publication 557: Tax-Exempt Status for Your Organization*. IRS Publication materials.

26 U.S. Code § 170 - Charitable, etc., contributions and gifts. Cornell Law School. **https://www.law.cornell.edu/uscode/text/26/170**

U.S. Government Publishing Office. (2011). *Page 734 TITLE 26—INTERNAL REVENUE CODE § 170*. **https://www.govinfo.gov/content/pkg/USCODE-2011-title26/pdf/USCODE-2011-title26-subtitleA-chap1-subchapB-partVI-sec170.pdf**

U.S. Department of Justice, Civil Rights Division. (2021). Deprivation Of Rights Under Color Of Law. **https://www.justice.gov/crt/deprivation-rights-under-color-law**

18 U.S. Code § 242 - Deprivation of rights under color of law. U.S. Government Publishing Office. **https://www.govinfo.gov/link/uscode/18/242**

18 U.S. Code § 247 - Damage to religious property; obstruction of persons in the free exercise of religious beliefs. U.S. House of Representatives. **https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-1994-title18-section247&num=0&edition=1994**

Combs Waterkotte. (2026). § 247 – Damage to Religious Property or Obstruction of Religious Exercise. **https://www.combswaterkotte.com/federal-criminal-statutes/hate-crime-acts/247-damage-to-religious-property-or-obstruction-of-religious-exercise/**

Executive Order 13798 of May 4, 2017. *Promoting Free Speech and Religious Liberty*. 82 Federal Register 21675 (May 9, 2017).

U.S. House of Representatives. (2025). 42 USC Ch. 21B: Religious Freedom Restoration. **https://uscode.house.gov/view.xhtml?path=%2Fprelim%40title42%2Fchapter21B&edition=prelim**

U.S. Department of Justice, Office of the Attorney General. (2017, October 6). *Implementation of Memorandum on Federal Law Protections for Religious Liberty*.

U.S. Department of Justice, Office of the Attorney General. (2017, October 6). *Memorandum for All Executive Departments and Agencies: Federal Law Protections for Religious Liberty*.

Constitution Annotated, Library of Congress. *Interpretation: The Free Exercise Clause*. **https://constitutioncenter.org/the-constitution/interpretations/the-free-exercise-clause**