

Trump's religious liberty executive order draws fire from left and right

May 4, 2017

WASHINGTON—President Donald Trump marked the National Day of Prayer by signing an executive order supporters called a “first step” to promote religious freedom but church-state separationists criticized as an attempt to turn congregations into partisan political action committees.

In a May 4 Rose Garden ceremony, Trump signed an [executive order](#) instructing the Department of the Treasury and “all executive departments and agencies” not to impose any penalty or deny the tax-exempt status of any religious nonprofit organization or house of worship that engages in political speech.

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[Editorial: Trump's executive order upends 'religious liberty'](#)

During the presidential campaign and in his first appearance at a [National Prayer Breakfast](#), Trump pledged to “get rid of, totally destroy” the Johnson Amendment, the 1954 law that bars houses of worship and other religious not-for-profit organizations from supporting political candidates without risking their tax-exempt status.

The May 4 executive order also instructs the secretaries of Treasury, Labor, and Health and Human Services to “consider issuing amended

regulations, consistent with applicable law, to address conscience-based objections" to Obama administration mandates that required health plans to include birth-control services that critics asserted included abortion-causing drugs.

At the signing ceremony, Trump recognized representatives of the Little Sisters of the Poor, an order of Catholic nuns that challenged the Affordable Care Act mandate that insurance plans cover birth control.

'First step,' but Congressional action needed

Russell Moore, president of the Southern Baptist Convention's Ethics & Religious Liberty Commission, praised Trump's action in a tweet, saying: "Grateful for executive order's affirmation of the need to protect religious freedom. Much, much more needed, especially from Congress."

Similarly, the National Association of Evangelicals issued a statement: "While the executive order is a first step, it does not permanently resolve even the issues it addresses. Anything done by executive order can be undone by a future president. Threats to religious freedom in America need to be addressed through legislative action that protects religious liberty for all Americans."

Churches as 'vehicles for political campaigns'

In contrast, Amanda Tyler, executive director of the Baptist Joint Committee for Religious Liberty, voiced concern the executive order could open the door to partisan politicking in churches.

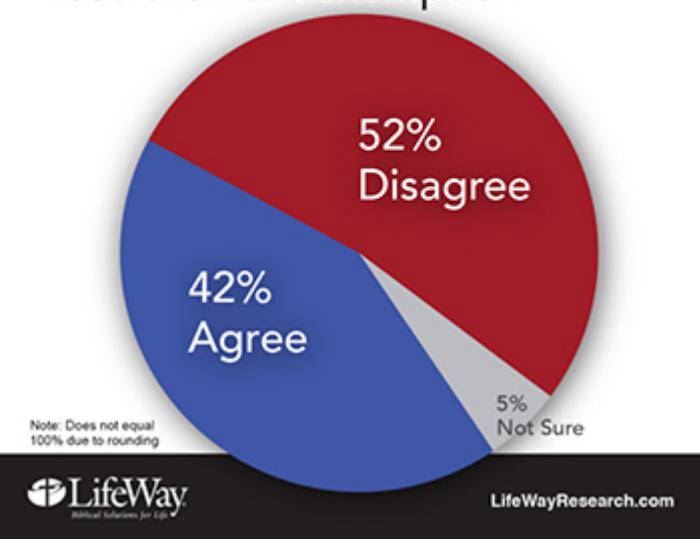


Amanda Tyler "This order appears to be largely a symbolic act, voicing concern for religious liberty but offering nothing to advance it. Worse, it is further evidence that President Trump wants churches to be vehicles for political campaigns," Tyler said.

"Americans think changing the tax law to encourage churches to endorse and oppose political candidates with tax-deductible contributions is a terrible idea. But some politicians and a few interest groups looking to solidify their political power continue to push it to further their agenda. The vast majority of congregants and clergy from all religious groups oppose candidate endorsements in their houses of worship."

Among Americans

Churches who publicly endorse political candidates should lose their tax exemption



A recent [survey](#) of evangelical leaders conducted by the National Association of Evangelicals showed 89 percent said pastors should not endorse candidates from the pulpit, and a LifeWay Research poll last year revealed 79 percent of Americans said it is inappropriate for ministers to endorse political candidates in worship services.

Meanwhile, LifeWay Research shows a majority of Americans—52 percent—believe churches that publicly endorse political candidates should not lose their tax-exempt status.

Current law insulates churches from politicians seeking endorsements

“Pastors will continue to speak truth to power and preach on moral issues, no matter how controversial, and they don’t need a change in the tax law to do it,” Tyler added. “But getting rid of the protection in the law that insulates 501(c)(3) (not-for-profit) organizations from candidates pressing for endorsements would destroy our congregations and charities from within over disagreements on partisan campaigns.”

On the same day as the Rose Garden signing ceremony, Tyler submitted a statement to a subcommittee hearing of the House Oversight and Government Reform Committee urging no change in the Johnson Amendment.

“The separation between the nonprofit sector—including most houses of worship—and partisan candidate campaign involvement has served to protect the integrity of charities from the messy and often ugly world of partisan campaign. ... There are plenty of places in our culture today to engage in partisan electoral campaigns. Most people I know don’t want church to be one of those places,” she said.

One month earlier, the Baptist Joint Committee and 98 other religious organizations [sent a letter](#) to House and Senate leaders asking them to reject calls for a repeal of the Johnson Amendment, saying the current tax code safeguards the integrity of both the charitable sector and the campaign finance system.

Pandering to base, upending protections for churches

Barry Lynn, executive director of Americans United for Separation of Church and State, insisted Trump's executive order "guts" religious freedom rather than protecting it.

"Exploiting the National Day of Prayer to trample religious freedom highlights Trump's zeal to substitute showmanship for sincerity," Lynn said. "Today, the president pandered to his far-right fundamentalist base, upending protections for houses of worship and allowing religion to be used as an excuse to deny women coverage for contraception and other preventive health care.

"Far from protecting religious freedom, this executive order guts that principle. Religious freedom does not mean the right to ignore laws that protect other people and our democracy."

Johnson amendment 'not a threat to religious liberty'

Gus Reyes, director of the Texas Baptist Christian Life Commission, noted a commitment to religious liberty is "important to the functioning of a pluralistic society."

"Rightly applied protections for churches, religious institutions and nonprofits are vital to our ability to faithfully serve our neighbors, parishioners and communities without fear of compromising our religious beliefs," Reyes said.

"The Johnson Amendment, however, is not a threat to religious liberty. it sets forth limits to political activity for nonprofits, like churches, who want to avoid paying federal taxes. While I wholeheartedly think pastors should speak to current issues in their communities, I caution against turning the pulpit into a place for partisan politics and the endorsement of candidates.

"It is important to recognize the diversity of the body of Christ, including political affiliations. We should remain focused on loving our neighbors and

spreading the gospel."

Falls short of fulfilling campaign promises

The executive order Trump issued differed in some respects from a reported draft version leaked a few days earlier, and the less specific version signed at the Rose Garden ceremony drew criticism from some Religious Right groups.

Brian Brown, president of the National Organization for Marriage, insisted the executive order "falls far short of what is needed to protect people of faith from government persecution." Trump "punted the issue to the Department of Justice" instead of taking decisive action, he asserted.

"Because of President Trump's failure to directly fulfill his repeated campaign promises, people of faith will continue to be in the crosshairs of the government, forced to choose between abandoning their beliefs or risk facing government persecution and complying with onerous demands of the government," Brown said.

Michael Farris, president of the Alliance Defending Freedom, also asserted Trump failed to fulfill his campaign promises.

"As we have explained, though we appreciate the spirit of today's gesture, vague instructions to federal agencies simply leaves them wiggle room to ignore that gesture, regardless of the spirit in which it was intended," Farris said.

"We strongly encourage the president to see his campaign promise through to completion and to ensure that all Americans—no matter where they live or what their occupation is—enjoy the freedom to peacefully live and work consistent with their convictions without fear of government punishment."

Editor's Note: The article was edited after it originally was posted May 4

to include a statement from Gus Reyes, as well as to correct the interpretation of a LifeWay Research poll.