

Constitution aside, why should churches avoid partisanship?

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WASHINGTON (ABP)—The forbidden idea of churches and other tax-exempt organizations endorsing political parties or candidates has started to sound like a good one, in recent decades, to many conservative evangelicals in the United States.

In fact, a group of pastors from around the country, aided by a conservative legal group, recently decided to test the constitutionality of the tax law that prevents such endorsements.

But constitutional rights aside, is church endorsement of political candidates a good idea from either a civic or theological perspective? Does it profit or harm either the body politic or the Body of Christ for the latter to jump into the former with both feet?

“Historically, churches have emphatically, and with great passion, spoken scriptural truth from the pulpit about government and culture,” begins a statement on the [Alliance Defense Fund’s website](#). The group is an association of conservative Christian lawyers who volunteer to take on cases about church-state issues and other causes important to the Religious Right.

The statement continues: “All that changed in 1954 with the passage of the Johnson amendment, which restricted the right of churches and pastors to speak scriptural truth about candidates for office. The Johnson amendment was proposed by then-Sen. Lyndon Johnson, and it changed the Internal Revenue Code to prohibit churches and other non-profit organizations from

supporting or opposing a candidate for office. After the Johnson amendment passed, churches faced a choice of either continuing their tradition of speaking out or silencing themselves in order to retain their church's tax exemption."

On Sept. 28, 33 pastors across the country endorsed candidates or parties from the pulpit, setting up potential direct challenges to the Johnson Amendment. ADF advised and encouraged the pastors, hoping to create test cases that could go, ultimately, to the Supreme Court. They contend the Johnson Amendment violates the Constitution by suppressing churches' freedom of religion.

But many religious groups and thinkers opposed the effort.

"As an old-timey Baptist, I think that pastors, churches—black and white and Latino—have every right to endorse candidates publicly," said [Bill Leonard](#), a Baptist historian and dean of Wake Forest University Divinity School.

"What they don't have is the right to tax exemption for expressing their conscience. That is patently wrong, regardless of their color, because you can't have it both ways. You can't speak out of conscience and expect to be privileged at the same time."

The ban on tax-exempt groups like churches endorsing candidates "simply means you can't— this is my historian side—you can't bow the knee to Constantine and to Jesus; you have to choose," Leonard continued. "So, endorse a candidate and give up tax exemption. It's an easy choice."

Applies to all nonprofits

Bob Tuttle, a First Amendment expert at George Washington University Law School, noted the electioneering ban doesn't single out churches or houses of worship but applies to all nonprofits organized under Section

501(c)(3) of the tax code.

"It's not targeted at churches; it's not targeted at religion," he said. "It deals with all organizations that have this one feature—that is, donations made to them are deductible against the donors' taxes. This is not primarily about the tax-exempt institutions. ... It's about donations and what kinds of things the government effectively wants to subsidize."

Even though political campaigns and political-action committees are not-for-profit ventures under the federal tax code, they are governed by a different set of laws. They don't enjoy the advantage that churches and other charitable organizations do by being not only tax-free, but being able to receive tax-deductible donations. Yet houses of worship, educational institutions and charities receive the same level of fire and police protection and infrastructure support as organizations that pay taxes.

In terms of how lifting the ban on church electioneering would affect U.S. politics overall, Tuttle said, "from the civil side, I think people make a big mistake when they say that this is just some quirky artifact of the 1950s."

Money and power have 'exploded'

That's because, he said, the amount of money that churches and other nonprofits take in—and the sheer numbers of nonprofits—has exploded since 1954.

"The power I'm talking about is the ability to command the kinds of benefits that churches and other 501(c)(3) organizations get and to use those benefits to project a particular (political) message," Tuttle said.

"We're talking about real money now, you know. If you were forced to do what some have said, which is to stop limiting the ability of churches to participate ... you force the IRS to make some very difficult decisions about what it means to be a church—because you could have somebody set up a

mechanism that would fork over a considerable amount of its assets to campaign activities.”

Tuttle, who holds a Ph.D. in religious ethics and a Lutheran seminary degree, worries about upending the Johnson amendment from another perspective, though—a theological one.

“From a more Protestant perspective, we tend to believe that justification comes by faith—not by conformity with a particular political agenda,” Tuttle said.

“We recognize that political agendas are not matters about which the faith is going to stand or fall, and to draw lines in a strong way starts to draw lines within the body (of Christ) about matters that really should not divide people … in the place of worship.”

Jeffrey Haggray, executive director of the District of Columbia Baptist Convention, said risking congregational or denominational unity is a danger when churches dive into partisan politics.

“There will always be differences within congregations over candidates. When the pulpit takes it upon itself to choose a candidate for the entire congregation, it threatens to undermine the freedom it cherishes,” he wrote, in a recent piece published by the [Baptist Joint Committee for Religious Liberty](#).

“Sacred space where people are free to decide according to conscience gets turned into secular space that becomes suspect as to its judgment, integrity and motives. Over time, the prophetic influence of the church diminishes because its political preferences obscure its concerns for justice, equality and fairness for all people.”

Prophetic role endangered

Stan Hastey of the Washington-based Alliance of Baptists said compromising unity and the church's prophetic role are among several dangers associated with church political endorsements.

"For me, the key questions pastors who are tempted to endorse candidates should ask themselves are these: Will my endorsing a candidate enhance or compromise my vocation as a pastor? Will it enhance or compromise the church's witness? Will it divide the people I am called to serve?" he said.

"Will it embarrass and demean the church's witness to Christ when politicians fail, as they invariably do? Is hitching my star to any politician worth the risk to my credibility as a preacher and teacher of the good news of God?"

Tuttle—who serves as legal counsel to the Washington synod of the Evangelical Lutheran Church in America—also said he worries that pastors entering politics are prone to the same corruptions as anybody else.

"This may just come from having spent a lot of time having done internal church discipline stuff, but I tend to think of pastors not being better than anybody else—you know, they get seduced," he said. "I'm deeply worried about corruptibility of the office."

For IRS guidelines on election activities that are prohibited in churches, visit www.irs.gov/newsroom/.