

The Breakfast Club
Constitutional Minute for 28 September 2021

Churches and Politics

In 1954, Senator Lyndon B. Johnson found himself opposed for re-election by certain pastors in his home state of Texas. After surviving reelection, Johnson got his revenge by having inserted into the IRS Code what became known as The Johnson Amendment. The amendment, inserted into Section 501(c)(3) dealing with non-profits, states that entities exempt from federal income tax cannot:

“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.”

To violate this provision puts at risk the organization’s tax-exempt status, and groups such as Americans United for Separation of Church and State and Freedom from Religion Foundation look fiercely for violators. Since a church’s tax-exempt status and thus the ability of its contributors to deduct their donations on their tax return is viewed as so precious, few pastors are willing to say anything that touches political topics. It was not always this way.

During the colonial period, especially the 20-40 years leading up to independence, pastors routinely delivered “political” messages from their pulpits. A sampling: Rev. Johathan Mayhew (1750): “Unlimited Submission and Non-Resistance to the Higher Powers (which actually argues in favor of the opposite);” Rev. Samuel Cooke (1770): “The True Principles of Civil Government;” Rev. William Gordon (1774): “The Christian Duty of Resistance to Tyrants;” Rev. Samuel Langdon (1775): “The Right of Self-Government is From God;” Rev. Samuel West (1776): “The True Principles of Government;” and Rev. Phillips Payson (1778): “The True Spirit of Liberty.” These and similar sermons can be found in: [Political Sermons of the American Founding Era: 1730-1805](#).

While none of these sermons spoke for or against the election of any individual,¹ many discussed the traits that a candidate worthy of election should embody. The sermons ensured that the congregations which heard them (or those individuals who read the inevitable printed version) understood the biblical view of law and government. Library of Congress historian [Catherine Millard](#) wrote: “Independence was boldly preached from Scripture throughout the thirteen original States during the American Revolution.”

Part of the reticence of today’s pastors to say anything “political” comes from ignorance of the actual IRS [guidelines](#). The twenty-seven words of the Johnson Amendment have been “interpreted” by the IRS to mean:

Prohibited activities:

- Contributing financially to political campaigns.

¹ That would change in the leadup to the 1800 presidential election as some pastors directly denounced candidate Thomas Jefferson.

- Making public statements of position (verbal and written) in favor of or in opposition to candidates for office.
- Inviting only one candidate in a political campaign to address the congregation.
- Distributing voter guides containing questions demonstrating a bias on certain issues.
- Endorsing certain candidates.
- Campaign activities by employees within the context of their employment.
- Failing to “disavow” the campaign activities of persons operating under “apparent authorization” from the church.
- Engaging in fund raising on behalf of a candidate.
- Newspaper ads urging voters to vote for or against a candidate.
- Posting on church web sites information either supporting or opposing candidates for public office.
- Posting on church web sites links to candidate-related material, if the facts and circumstances indicate that one or more candidates are being supported or opposed.

Permitted activities (according to the IRS):

- Providing a forum for *all* candidates to address the church.
- Public comments made by ministers and other church employees in connection with political campaigns if not made at church facilities or in church publications, and if accompanied by a statement that the comments are strictly personal and not intended to represent the church.
- Inviting all candidates for a political office to address the congregation.
- Providing an opportunity for a candidate to speak in a non-candidate capacity.
- Distributing a compilation of voting records of all members of Congress on major legislative issues involving a wide range of subjects.
- Neutral voter registration drives.

As you can see, there is wide latitude here for churches and pastors to act and speak “politically.” But isn’t any restriction on pastors’ speech an infringement of their First Amendment rights? What happened to that “Wall of Separation” thingy? Those on the Left don’t want government to be influenced in any way by religion (unless of course it involves their religious views), but they certainly don’t mind telling pastors what they can and cannot do and say.

The [“Speak Up” movement](#) views the Johnson Amendment as decidedly unconstitutional and urges pastors around the country to purposefully violate the guidelines as an act of defiance. Atheists, of course, became apoplectic over [“Pulpit Freedom Sunday.”](#) They even sued the IRS, arguing that a lack of specific procedures kept the IRS from enforcing the guidelines. The suit was dropped when the IRS promised to become more aggressive.

Even if you accept the IRS prohibitions as valid, pastors and churches can still much do much to educate and energize their congregations, to encourage them to get engaged politically, and... to vote. [As former Attorney General Ed Meese put it:](#) *“Pastors can lead the way in motivating the faithful to wise stewardship of their citizenship responsibilities.”*