



Written by [Bob Adelman](#) on October 6, 2014

1500 Pastors Defy IRS, Preach on Social & Political Issues

As Pastor Jim Garlow was finishing his sermon yesterday to 2,000 of the faithful at his Skyline Church east of San Diego, he exhorted them to oppose Republican Carl DeMaio, who is running for the House of Representatives. He is against DeMaio, not because he is a homosexual, but "because of his activism against certain things." Garlow explained:



I want babies protected in the womb. I want marriage defined as one man, one woman. You can't have the advancing of the radical homosexual agenda and religious liberty at the same time. One will win, one will lose.

And then he added this: "If a member of the IRS gets this sermon, or is listening, *sue me!*"

Garlow joined with more than 1,500 other pastors on Sunday to protest the Johnson Amendment, which prohibits churches from enjoying tax-exempt status if they get involved in political issues or preach political activism from the pulpit. The Alliance Defending Freedom (ADF) began Pulpit Freedom Sunday in 2008 with a very simple goal: to have the Johnson Amendment declared unconstitutional and remove, once and for all, the threat by the IRS to censor what a pastor may say from his pulpit.

Proposed in 1954 by then-Senator Lyndon B. Johnson in retaliation for churches in Texas exposing the dark side of his candidacy, the Johnson Amendment was adopted with this chilling invasion of First Amendment rights:

Under the Internal Revenue Code, all Section 501(c)(3) organizations are absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office.

Contributions to political campaign funds for public statements of position (verbal or written) made on behalf of the organization in favor of or in opposition to any candidate for public office clearly violate the prohibition against political campaign activity.

Violating his prohibition may result in denial or revocation of tax-exempt status and the imposition of certain excise taxes.

This is exactly what the Alliance Defending Freedom is hoping will happen: that some erstwhile and opportunistic IRS agent will file suit against Pastor Garlow, or one of his brother pastors, so that the issue can be taken to court and resolved.

The ADF was founded in 1994 by a number of leaders of major conservative Christian organizations including Campus Crusade for Christ, Crown Financial Ministries, Focus on the Family, Coral Ridge Ministries, International Christian Media, and the American Family Association. The ADF enlists pro bono assistance from hundreds of attorneys around the country just aching for an opportunity such as



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this: to sue the IRS and to defend the First Amendment to the Constitution.

Pulpit Freedom Sunday began slowly, with just 33 pastors deliberately challenging the IRS from their pulpits in 2008. That number grew to more than 80 pastors in 2009, over 100 in 2010 and over 500 in 2011.

To date, there has not been a whisper from the IRS; however, that is about to change. The Freedom From Religion Foundation (FFRF) filed suit against the IRS in 2012 demanding that the federal agency investigate these obvious and increasingly noisy challenges to the Johnson Amendment. In an out-of-court settlement, the IRS told FFRF that it “has a procedure in place ... to initiate church tax investigations and examinations.” It is likely that the IRS is simply waiting until the furor over its current abrogations dies down — probably sometime after the midterm elections in November — before bringing action against one of those stubborn and recalcitrant pastors.

If the IRS waits too long, however, it may just find that public support for this infringement of First Amendment rights will have evaporated. On September 22 Pew Research announced that “a growing share of the American public wants religion to play a role in US politics ... [and that] churches and other houses of worship should express their views on social and political issues.” In just the last two years, according to Pew, the percentage of Americans who feel that way has grown from 40 percent to 49 percent. Further, among those who see religion as a positive force for good in society, nearly six out of 10 think pastors and churches should be free to express their views on political and social issues.

As this shift in public opinion gathers momentum, it is a harbinger for further expansion of freedom of expression in the public arena. It will also cause many to question why churches would deliberately put themselves under the aegis of the IRS in the first place in order to gain tax-exempt status for their faithful.

Speaking to a group of Southern Baptist ministers in Houston, Texas, last summer, former Governor Mike Huckabee put the matter well:

I think we need to recognize that it may be time to quit worrying so much about the tax code and start thinking more about the truth of the living God, and if it means that we give up tax-exempt status and tax deductions for charitable contributions, I choose freedom more than I choose a deduction that the government gives me permission to say what God wants me to say.

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