



Written by [Bob Adelman](#) on September 9, 2016

Trump: Repeal Johnson Amendment That Muzzles Pastors

On Friday, at the Family Research Council's convention in Washington, D.C., Donald Trump [is expected to reiterate his call](#) to repeal the Johnson Amendment, in line with a similar call in the GOP platform.

During his acceptance speech, Trump thanked the evangelical community for their support, adding:



You have so much to contribute to our politics, yet our laws prevent you from speaking your minds from your own pulpits. An amendment, pushed by Lyndon Johnson many years ago, threatens religious institutions with a loss of their tax-exempt status if they openly advocate their political views.

I am going to work very hard to repeal that language and protect free speech for all Americans.

The GOP platform echoes Trump:

Republicans believe the federal government, specifically the IRS, is constitutionally prohibited from policing or censoring speech based on religious convictions or beliefs, and therefore we urge the repeal of the Johnson Amendment.

When then-Senator Lyndon Johnson from Texas was running for reelection in 1954, tax-exempt groups, including some churches, supported his opponent in the primary by exposing some of Johnson's shady background. Upon reelection he inserted language into an innocuous and unrelated bill that now reads:

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 or 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 this prohibition may result in denial or revocation of tax-exempt status and the imposition of certain exercise taxes.

Voter educational campaigns are approved, *unless they are political in nature*, according to the IRS:

On the other hand, voter education or registration activities with evidence of bias that (a) would favor one candidate over another; (b) oppose a candidate in some manner; or (c) have the effect of favoring a candidate or group of candidates, will constitute prohibited participation or intervention.

Chief Counsel of the American Center for Law and Justice (ACLJ), Jay Sekulow summarized the impact the Johnson Amendment has had over the last 50 years on muting and neutering political expression



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from the pulpit, calling it a “federal tax law that prevents religious leaders from truly exercising their constitutionally-protected free speech rights when they act in their official capacity as a pastor or head of a religious, tax-exempt organization.” The purpose of the IRS was “to collect revenue for the general treasury,” but this amendment has turned the organization into the “speech police,” according to Sekulow.

During the fight for freedom from the British Crown, black-robed pastors gave “election day” sermons, reminding their congregants of essential truths and urging them to vote according to their understanding of where candidates stood on those truths. As Sekulow put it:

The election sermon was once very common with pastors acknowledging our religious heritage and addressing key issues of the day. During the revolutionary era pastors in the pulpit encouraged dissent and called for freedom as a prelude to the birth of our country — a country that cherishes free speech.

That freedom is as important today as it was then.

In this era of political correctness and intimidation by the IRS, pastors rarely talk from the pulpit about “key issues”: abortion, same-sex “marriage,” political corruption in high places, etc. The IRS, says Sekulow, “says it is permissible for religious leaders to discuss important issues of public policy (as they should), but are prohibited from supporting or opposing a candidate who takes positions on those issues. That’s absurd. The prohibition makes no sense.... It censors pastors in the pulpit. And it turns the IRS, which was originally designed to collect revenue for the general treasury, into the speech police.”

Repealing the Johnson Amendment would be a great victory for the First Amendment. It would be a greater victory in the culture wars. And it could, and should, lead to an even greater victory: abolishing the IRS altogether, along with the income tax.

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