

PASTORS PULPITS & POLITICS

THE CASE FOR CLEAR
BIBLICAL MORAL TEACHING

A Publication of The National Center for Law & Policy



PASTORS, PULPITS & POLITICS:

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The National Center for Law & Policy (NCLP) is a non-profit 501(c)(3) legal defense organization dedicated to the protection and promotion of religious freedom, parental rights, and other civil liberties. The NCLP engages in constitutional litigation in state and federal courts and is also active in the areas of public policy and education.

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- Rights of Students
- Rights of Churches
- Rights in the Work Place
- Religious Land Use
- Rights of Marriage and Family
- Rights of Expression in the Public Square
- Right of Equal Access for Individuals and Groups
- Rights of the Unborn/Protection of Innocent Life



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*Thy kingdom come. Thy will be done
in earth, as it is in heaven.*

Matthew 6:10 (KJV)

FOREWORD

*Be strong and courageous. Do not be afraid or terrified because
of them, for the LORD your God goes with you; he will never
leave you nor forsake you.*

Deuteronomy 31:6 (NIV)

America is at a critical crossroads. Will it continue to increasingly call evil “good” and good “evil,” or will our nation rise again as a “city on a hill”? As a fellow pastor in the trenches, I know that you are busy. But there are some things that we, as pastors, simply must do. One of them is to apply clear biblical moral teaching to the important issues of our day.

God’s word is powerful and is just as applicable today as it was 2000 years ago. Like Joshua, God needs strong and courageous leaders for such a time as this. We cannot afford to succumb to fear. “For God did not give us a spirit of timidity, but a spirit of power, of love and of self-discipline.” 2 Timothy 1:7 (NIV).

I highly commend this booklet to you. This practical guide is written by the godly and competent attorneys of the National Center for Law & Policy, who stood firmly beside us during the battle for biblical marriage in California, known as Proposition 8. They were always there to advise pastors of our legal rights, make us feel safe, and urge us to speak in our prophetic voice. Please do not just read this booklet, but put it into practice for the glory of God.

*Jim Garlow, Pastor — Skyline Wesleyan Church
Founding Director — Pastors’ Rapid Response Team
Chairman — Renewing American Leadership.*

INTRODUCTION

You are the salt of the earth. But if the salt loses its saltiness, how can it be made salty again? It is no longer good for anything, except to be thrown out and trampled by men. You are the light of the world. A city on a hill cannot be hidden.

Matthew 5:13-14 (NIV)

As a pastor, you have a powerful positive impact on your congregation. In turn, your congregation impacts the community, the state, the nation and the world. Sadly, however, many pastors are afraid to apply clear biblical moral teaching to the most serious cultural issues of the day. Some pastors miss these opportunities to be salt and light because they are fearful of negative repercussions in these politically correct times. Others are not convinced that they have a biblical obligation to do so. And, even if they are convinced, they may be unaware that they have clearly delineated legal rights to engage their congregation and culture on important moral issues. But now, more than ever, it is critical that Christian leaders proactively and boldly exercise their positive godly influence.

This booklet seeks to address, in a balanced manner, two questions. The first is, “Why should you, as a pastor, lead your church in taking a clear stand regarding biblical moral issues?” The second question is, “What are the boundaries of your legal right to do so?” Throughout this booklet, we will also provide specific examples of how you, as the shepherd of your flock, can engage your congregation. Our goal is to assist you in fulfilling your God-given responsibility to “speak the truth in love,” by informing, motivating, and activating your congregation to positively impact the culture to the glory of God.

AN OPEN LETTER TO PASTORS: WHY YOU SHOULD ADVOCATE BIBLICAL MORAL ISSUES.

*Do not conform any longer to the pattern of this world,
but be transformed by the renewing of your mind. Then you
will be able to test and approve what God's will is—
his good, pleasing and perfect will.*

Romans 12:2 (NIV)

I have tremendous respect for pastors. My father, Bob Broyles, is an ordained minister and also served as a missionary in Europe. Before being called to law school, I was praying for several years about becoming a pastor myself. I have seen first hand the pressures and responsibilities you bear. But I also understand the unique power you have. Your transforming positive influence is immeasurable. I believe that you are where you are, doing what you are doing, for such a time as this.

Increasingly, America's laws punish good and exalt evil. Righteousness is openly mocked. Many of the rights and freedoms that we take for granted are slipping from our grasp. Throughout the course of history, freedom has been costly to secure and difficult to maintain. Today is no different.

Do you believe, as our founders expressed in the Declaration of Independence, "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness"? The Bible teaches us that the chief purposes of government are, under God's sovereign control, to promote the common good and restrain evil (Romans 13).

However, if you trace the recent transformation of American society, one thing becomes abundantly clear: All change is not progress. Actually, quite the opposite is true. We have seen in many areas not the promised progressive societal “evolution,” but rather “devolution” to the detriment of the common good.

Today, laws are in place and more are being contemplated that severely curtail the ability of not only Christians but all Americans to enjoy life, liberty and the pursuit of happiness. There are laws on the horizon that will impact your ability to preach the Gospel. The question is: Are you, as a Christian leader, willing to do something about it?

It is for freedom that Christ has set us free. Stand firm, then, and do not let yourselves be burdened again by a yoke of slavery.

Galatians 5:1 (NIV)

My request that you become engaged in the culture has solid historical precedent. The American Revolution was preceded by more than 30 years of spiritual renewal during the Great Awakening when God used powerful preachers like George Whitefield and Jonathan Edwards to bring repentance and revival to the colonies. In fact, it was the pastors’ teachings in the decades preceding 1776 about the biblical principles of government and God-granted inalienable rights that empowered citizens to defend freedom and to oppose British tyranny at places like Lexington, Concord, and throughout our War for Independence. Had the American pulpits not thundered with the powerful biblical principles of liberty, we might still be a British colony!

As the Reverend Martin Luther King wrote in his *Letter from a Birmingham Jail* in the midst of his public opposition to the injustice of segregation:

“How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law.”

Each American generation has its own “unjust” laws to face. Some of the serious challenges we face today are abortion, same-sex “marriage,” and the rapidly growing threat to religious freedom, among others. And there are many who insist that the Church keep silent; who assert that we keep our biblical “morals” to ourselves. I have observed the growing pressure on you as pastors to accept the “evolving” status quo—to be silent instead of speaking the truth in Jesus’ name. But what if William Wilberforce had been silent about the evil of slavery in the British Empire? In the face of today’s pernicious challenges, I submit that your response must be the same as Peter’s: “We must obey God, rather than men” (Acts 5:29 (NIV)).

All law reflects morality. The real question is whose morality does the law reflect? When Christians are uninformed or silent, the vacuum created is often filled with immoral laws. If the Church does not uphold God’s righteous standards for the common good of all, who will? The answer is clear—no one will. And if we surrender, as unfortunately many leaders of Christian churches in America appear to have done, we certainly deserve the culture and laws we get. I fear that one day, this generation will have to apologize to our children and grandchildren for squandering their heritage by choosing comfort, passivity, and cowardice over what is right. Edmund Burke, a contemporary of Wilberforce, believed that “All that is necessary for the triumph of evil is that good men to do nothing.” Are you willing to act for the cause of good?

How then should you live? I submit to you that this is not a time for the leaders of the Church to cower in fear, hiding behind sanctuary walls and stained glass windows. You may feel powerless. But let me assure you that you are not. God is with you. Acts 1:8 (NIV) states, “But you will receive power when the Holy Spirit comes on you; and you will be my witnesses in Jerusalem, and in all Judea and Samaria, and to the ends of the earth.”

*[I]f my people, who are called by my name,
will humble themselves and pray and seek my face and turn
from their wicked ways, then will I hear from heaven and will
forgive their sin and will heal their land.*

2 Chronicles 7:14 (NIV)

The church has the responsibility of being a nation’s moral voice. As a pastor, you are the leader whom God has called to equip and commission the church to be that voice. I promise you that there are many in your congregation who see the growing darkness in America and who are hungry for clear and bold biblical moral leadership from you on the critical issues of our time. In addition, I am impressed that God desires to bring repentance and revival in the United States. God wants you, as a Christian leader, to join with Him in that same desire. I believe with every fiber of my being that you are the key to preserving and restoring our nation’s position as a shining city on a hill.

Let me be clear what I am not asking. I am not asking you to turn your church into a political action committee. I am not asking you to stop preaching the Gospel. I am not asking you to curtail discipleship. I am not asking you to turn your pulpit into a political “bully pulpit.” I am not asking you to preach 52 “political” sermons over the next year.

What I am asking you to do is make a firm and unwavering commitment to speak God's moral truth to this generation, this culture; to act courageously as "salt" and "light." I am asking that you refuse to submit to the persistent pressure to be "politically correct" and compromise or water down the Truth. I am simply asking that you be clear where God's word is clear. That you purpose in your heart to speak out boldly and uncompromisingly as evil pervades our society and knocks at the door of your church. I am asking that you refuse to be silenced.

Put on the full armor of God, so that you can take your stand against the devil's schemes. Take the helmet of salvation and the sword of the Spirit, which is the Word of God.

Ephesians 6:11; 17 (NIV)

If you accept this challenge, please realize that you are not alone. God promises to be with you and will send His Spirit to guide, comfort and strengthen you. Furthermore, in doing so, you will be joining a "band of brothers"—other committed pastors who are walking this brave road beside you. Finally, we here at the National Center for Law & Policy make a specific commitment to you. If you agree to speak out boldly on moral issues in the manner discussed in the balance of this booklet, and are challenged by the IRS, ACLU or anyone else, we commit to stand with you. We will provide pro-bono legal defense to you and your church.¹

In His Service,



Dean R. Broyles

President and Chief Counsel

The National Center for Law & Policy

1 It is worth noting that no church, when following our directives, has ever required legal assistance despite our guarantees of pro-bono representation.

HOW YOU MAY ADVOCATE BIBLICAL MORAL ISSUES.

Now that we have discussed *why* it is critically important for you, as the Shepherd of your flock, to clearly advocate for biblical morality in this present darkness, we shall in the balance of this booklet discuss *how* you may do it. Although legal concepts will be addressed, we have made every effort to avoid “legalese” by framing each point as an exhortation to you to clearly teach your congregation biblical morality by applying scriptural principles to important matters of public policy. Our sincere hope is that the members of your congregation will, in turn, speak, act and vote imbued with a well formed Christian world view.

1. A Pastor May Preach Sermons Which Advocate the Application of Biblical Morality to Legislative Issues.

See to it that no one takes you captive through hollow and deceptive philosophy, which depends on human tradition and the basic principles of this world rather than on Christ.

Colossians 2:8 (NIV)

A number of individuals and organizations in America today have sought to convince churches and pastors that they must remain silent on important and often controversial moral and social issues. This is simply not the truth. Churches as a whole are not prohibited from supporting or opposing legislation. Furthermore, there are many actions that a pastor, acting as a representative of the church, may take in supporting or opposing legislation. However, there are a few key guidelines from the Internal Revenue Service to keep in mind.

A church is permitted to engage in lobbying (“attempting to influence legislation”²). The IRS, however, has placed limits on the amount of lobbying in which a church can engage. Specifically, the IRS states that a church can spend an “insubstantial part” of its time and money on lobbying activities each year. While the IRS does not define “insubstantial” in terms of a specific amount, case law has determined that “insubstantial” refers to about 5-15% of the total activities of the church.³ Thus, a church may lobby provided the time and expenditures dedicated to lobbying do not exceed approximately 5-15% of all the activities undertaken by the church.

A pastor may speak as frequently as he is led about the important moral and social issues of the day. Pastors can choose to discuss these matters in a range of settings, such as a topical Sunday sermon or an informational weekday meeting. A few examples of preaching and speaking to church members on moral and social issues include:

Sermons

Pastors may devote a Sunday sermon (or a series of sermons) to covering the important social and moral issues with which Christians are confronted today by using specific passages from the Bible. If devoting an entire Sunday sermon to the topic is not feasible, then a pastor may consider allotting a small amount of time to address the issue before the Sunday sermon begins, or give perhaps give a “mini-sermon” on the issue. Weekday meetings, such as a Wednesday night service, might also be an ideal time to introduce a message involving these matters. Pastors may wish to

2 Internal Revenue Service, Pub. 1828, *Tax Guide for Churches and Religious Organizations* at 8 (2008) [hereinafter Tax Guide] available at www.irs.gov/pub/irs-pdf/p1828.pdf.

3 *Haswell v. U.S.*, 500 F.2d 1133 (Ct. Cl. 1974) (Spending 19% of total expenditures on political activities constitutes “substantial”); *Seasongood v. Comm’r*, 227 F.2d 907 (6th Cir. 1955) (Holding that total political activity reaching less than 5% of all activity should not be considered “substantial”).

refer to Focus on the Family's websites, *www.parsonage.org* and *www.family.org*, and the website of Keep Believing Ministries, *www.keepbelieving.com*. These sites offer sermon outlines and other useful resources covering a number of key social issues.

Guest Speakers

A pastor may invite others to speak to his congregation about prevalent moral and social issues. If the information comes directly from the pulpit, it is much more likely to motivate the congregation, helping them to be more pro-active. Examples of guest speakers include policy experts, Christian attorneys and even candidates for public office.⁴

2. A Pastor May Authorize Announcements Regarding Legislative Issues.

Even so faith, if it hath not works, is dead, being alone.

James 2:17 (KJV)

A pastor may approve that the time allotted for announcements be used to inform the congregation about important pending legislative matters. Announcements are a quick yet useful way to request that the congregation take specific action regarding certain issues. A pastor may make verbal announcements, print the announcement in the bulletin, create a short video, or provide a power point presentation. These are just a few ways that a pastor can use the announcement time as a way to inform and activate his congrega-

⁴ A candidate is permitted to speak before the church so long as the fact that he is campaigning is not mentioned explicitly or implicitly and the church does not endorse the candidate. If the church does invite the candidate to speak regarding his campaign, then the other candidates must be given equal time and a fair opportunity to speak before the church as well. *Tax Guide at 10.*

tion. Substantive examples of announcements include:

- Urging church members to vote for, or against, ballot measures.
- Announcing the church's support of, or opposition to, political appointments of non-elected officials.
- Encouraging church members to make known their opinions regarding policies, ballot measures or non-elected officials.
- Announcing the church's decision to engage in "direct lobbying" which is the act of contacting a legislative body with the intent to influence specific legislation (or proposed legislation) and alerting the legislative body of the position the church holds on a particular piece of legislation.
- Promoting indirect lobbying by encouraging church members to call their congressman or other lawmakers concerning legislation.
- Announcing the circulation of a petition through the church in order to collect signatures for a particular ballot measure. *Note: When circulating petitions it is important that the canvasser witness every signature made on the petition.*⁵ *IRS limits the church to spending no more than 5% of their annual income on this particular activity. Suggested places to gather signatures include prayer meetings, home fellowships, and in the foyer after Sunday services.*⁶

5 Canvassers must be over the age of 18.

6 See Family Council Action Committee, "Rules for Canvassers," available at <http://adoptionact.familycouncilactioncommittee.com/index.asp?PageID=3>.

3. A Pastor May Permit Voter Registration

*When the righteous thrive, the people rejoice;
when the wicked rule, the people groan.*
Proverbs 29:2 (NIV)

After pastors have educated their congregations about important moral issues, they should urge their church members to take an active stand for biblical values. Urging your congregation to become informed on the issues and vote is the primary and easiest way for a pastor to help your congregation make a positive difference. Unfortunately, many Christians are not even registered to vote and, even if they are registered, they may not actually cast their votes.

The first way to encourage members to get actively involved is to conduct voter registration drives. The IRS has specifically stated that “activities intended to encourage people to participate in the electoral process, such as voter registration and get-out-the-vote drives, would not be prohibited political campaign activity if conducted in a non-partisan manner.”⁷ A drive is non-partisan when it is (1) open and promoted to the entire congregation, not just one faction; (2) devoid of communications that can be seen as advocating or opposing a candidate; and (3) not affiliated with a particular party or campaign.⁸ Voter registration is not included in the “substantial activity test” discussed above. Therefore, pastors are not limited in the amount of resources and time they decide to devote to registration

7 IRS.gov, *The Restriction of Political Campaign Intervention by Section 501(c)(3) Tax-Exempt Organizations*, <http://www.irs.gov/charities/charitable/article/0,,id=163395,00.html> (last updated May 11, 2009).

8 Erika Lunder, Congressional Research Service, CRS Report for Congress: *Tax-Exempt Organizations: Political Activity Restrictions and Disclosure Requirements at 10-11* (Apr. 20, 2006) [hereinafter CRS Report] available at <http://www.ncseonline.org/NLE/CRSreports/06May/RL33377.pdf>.

drives. Here are some examples of ways pastors can provide many opportunities for the congregation to register to vote:

- Obtain free registration forms from the county registrar and insert them into church bulletins or place them on seats.⁹
- Direct ushers to pass registration forms across the pews, provide time for members to complete the form, and, pass them to the aisle to collect and mail.
- Make registration forms available in the church's front lobby or information desk.
- Provide transportation to polls on election day.
- Help those who cannot go to the polls obtain absentee ballots.

Christians have a right, and indeed a duty, to vote for legislation and candidates in accordance with their biblical beliefs. When they fail to do their duty, all of society suffers. As church leaders, pastors can make voting more likely by offering many opportunities for members to register and get to the polls.

⁹ Voter-registration cards are available from a number of sources, including the County Registrar of Voters, Department of Motor Vehicles, and certain internet sites. In California, any individual, group or organization requesting 50 or more voter registration cards from the Secretary of State's Office must complete and submit a "Statement of Distribution" form as well as a plan of distribution to the Secretary of State. The Statement of Distribution form is available in PDF format at the following website: <http://www.ss.ca.gov/elections/vrdis.pdf>.

4. A Pastor May Permit the Distribution of Non-Partisan Voter Guides

*The wisdom of the prudent is to give thought to their ways,
but the folly of fools is deception.*

Proverbs 14:8

Once your flock has learned to make their decisions in light of God's holy principles and have secured their right to vote by registering, pastors may provide them with non-partisan materials addressing a broad array of campaign issues and providing each candidate's positions on those issues.

Pastors may provide congregants with non-partisan voter guides that:

- address a wide range of issues (not only moral issues that are important to the church);
- include every candidate;
- do not compare a candidate's position with the church's own stance; and
- do not explicitly or implicitly favor a candidate.¹⁰

For example, an organization was determined to have implicitly intervened in a political campaign when it discussed specific "liberal" politicians and their party's attacks on the "conservative" agenda. Although no candidates were mentioned, the IRS concluded that the organization's voter's guide violated Section

¹⁰ Rev. Rul. 2007-41, 2007-25 I.R.B. 1 at 3, available at <http://www.irs.gov/pub/irs-drop/rr-07-41.pdf>; Rev. Rul. 78-248, 1978-1 C.B. 154 at 1-3 available at www.irs.gov/pub/irs-tege/rr78-248.pdf; Rev. Rul. 80-282, 1980-2 C.B. 178 at 2-3 available at apps.qai.irs.gov/pub/irs-tege/rr80-282.pdf.

501(c)(3) guidelines.¹¹

Voters should not make their decisions solely based on a candidate's political party or media representations. Instead, they should also carefully examine a candidate's worldview, policies and philosophy about the role of government.¹² A fundamental issue is to determine whether a candidate's policies and practices comport with biblical moral values. To that end, The National Center for Law & Policy has developed an important resource entitled *Voter's Guide for the Serious Christian*. This guide identifies five non-negotiable biblical issues: same-sex (homosexual) "marriage"; abortion; embryonic stem cell research; euthanasia ("mercy" killing); and human cloning. It provides committed Christian voters the with tools to evaluate the views of candidates for public office on these issues. This helpful guide, which can be found online at www.ncplaw.org/resources, can be legally distributed by churches and other non-profit organizations.

Pastors can also refer their congregations to a number of non-partisan websites that educate voters on candidate's views such as Project Vote Smart (www.vote-smart.org), On the Issues, (www.ontheissues.org), iVoteValues (www.ivotevalues.com), Easy Voter (www.easyvoter.org), and The Ballot (www.theballot.org). Each of these resources provides non-partisan facts and voting records that will help voters go beyond campaign rhetoric and observe the worldviews and philosophies which candidates actually put into practice.

11 I.R.S. Tech. Adv. Mem. 91-17-001 (Sept. 5, 1990) available at http://charitygovernance.blogs.com/charity_governance/files/PLR_9117001.pdf.

12 To be in complete assurance that you are complying with IRS guidelines, do not distribute voter guides provided by a political party and make sure that guides do not explicitly or implicitly favor one candidate over another.

There are a variety of other choices that pastors can make in order to educate and mobilize their congregations within the bounds of the law. For instance,

- They can choose when and where voter education takes place (e.g., home fellowships, church announcements, newsletters, special seminars or even Sunday School).
- They should stress to the congregation that elected officials bring with them viewpoints that will influence the laws that affect society and the ability to exercise traditional freedoms, whether they vote or not.
- They should also encourage their members to pray for wisdom as they make their decisions (James 1:5).
- Because pastors know their churches best, they may consider even more effective ways to educate and motivate their specific congregations. The methods each pastor uses may be unique, but the purpose of voter education must be the same: to show all Christians that every vote counts.

5. A Pastor May Permit Ministry Leaders to Address Biblical Moral Issues.

Be shepherds of God's flock that is under your care, serving as overseers—not because you must, but because you are willing, as God wants you to be...

1 Peter 5:2 (NIV)

In addition to preaching sermons and allowing guest speakers to address biblical moral issues, pastors may also wish to delegate the responsibility among assistant staff or volunteer lead-

ers. There are many creative ways to motivate a church to action. For example:

Salt and Light or Christian Citizenship Groups

Establishing a “Salt and Light” or “Christian Citizenship” ministry within your church is a great way to educate, equip, and activate members of your congregation regarding the important cultural, moral and legislative issues Christians face today. This is a growing trend for many churches, and a positive solution for you as a busy pastor to, through legally approved resources, empower your flock to proactively preserve our culture through prayer and action. Pastors can delegate the responsibility for this ministry to a trusted lay leader or staff member.

Prayer Groups

There is tremendous power in prayer. Nothing is too great or too small to bring to God. It is important for Christians remember to pray for the strength and wisdom of their nation, their government and their leaders. Ideas include:

- Creating prayer groups for congregants to come together to pray for the future of their cities, state and country.
- Setting aside a weekly prayer time in the months leading up to an election to allow congregants to meet at the church and pray specifically for the issues that are on the ballot.

Home Fellowships

Pastors may ask that the church’s pre-existing home fellowship groups take the time to talk about controversial social and moral

issues such as abortion and homosexual marriage. Pastors and their staff may create the outlines for such discussions or leave it up to the leader of each group to facilitate a discussion that is best suited to his particular group. Because of the more personal nature of home fellowship groups, this setting is ideal to read relevant Bible passages and allow open discussion on the effects these moral and social issues have on our lives.

Marriage Retreats

It is very likely that the sanctity of marriage will again be threatened in the upcoming elections. To educate and instruct their congregants about the importance and biblical significance of marriage, pastors can devote time during marriage retreats to educating couples on God's design for marriage. Some ideas for discussion include:¹³

- God's prohibition of "same-sex" sexual relationships (Leviticus 18:22; 1 Corinthians 6:9-11).
- God's command that marriage should be honored as holy and pure (Hebrews 13:4; Malachi 2:15).

Youth Group

Adults are not the only individuals in the church who are confronted with tough social and moral issues. Many young people face daily pressures at schools in which the values of the world are exalted and Christianity is disparaged by their peers. It is important that our children and youth are equipped with the right tools, particularly the Word of God, in order to face these pressures and stand for what is right. Children should learn from a young age that marriage is between a man and woman and that every human being has a right to the life God gave them. These are

¹³ For a complete list of topics and bible verses related to the sanctity of marriage visit the NCLP website at: <http://www.nclplaw.org/resources/BiblicalPoints.pdf>.

important lessons and should be included in the Sunday school curriculum.

Special Events

Pastors may also want to have their young people to observe the Day of Truth, an event in early April which was established to counter the promotion of the homosexual agenda in schools and express a Christian perspective. See <http://dayoftruth.org> for more information. This event is a powerful way to build a strong moral foundation in the impressionable minds of today's youth and tomorrow's voters.

Another special event pastors may wish to arrange is Sanctity of Human Life Week which is held annually in January. See Focus on the Family's websites, <http://www.heartlink.org/directors/abortion/a000000315.cfm> and <http://www.heartlink.org/beavoice>, for ideas and resources. Pastors can use these events to stir church awareness about the ways society attempts to devalue life. Pastors can also highlight heavily-debated issues relating to life's beginning and end, including abortion in each of its stages, euthanasia, embryonic stem cell research and human cloning.

While it is left to the pastor's discretion as to where or how such issues will be discussed, please keep in mind that there are some limits on other aspects of the discussion. When discussing these "hot topics" the IRS prohibits favoritism shown towards one candidate or political party by a religious leader. During the discussion, pastors (or the speaker) should make sure they do not endorse or oppose any candidate for office that has taken a stance on the specific

issue that is being addressed. To be safe, it is probably best to leave out any mention of candidates at all.¹⁴

6. A Pastor May Lobby Legislators.

*I have chosen the way of truth;
I have set my heart on your laws.*
Psalms 119:30 (NIV)

While it is important for pastors to encourage their congregations to take a biblical stand on moral issues, it is just as imperative for pastors, as the leaders of their congregations, to know what can be done to affect referendums, initiatives, propositions, and other pieces of legislation. Apart from voter-approved laws, the only way to influence legislation is to influence those who create it. A pastor's right to influence legislation is broad, and there are many ways pastors can take a biblical stand as the leaders of their churches.

When a pastor attempts to influence legislation on behalf of his church, his actions will likely be included in the "substantial activity" percentage of the church.¹⁵ However, if the legislation is related to the church's existence, powers, duties, tax-exempt status, or right to receive tax-deductible contributions, it may not be included in the "substantial activity" calculation. For example, calling a representative to request that he or she vote for a "Defense of Marriage" provision would be included in the "substantial activity" calculation, but asking a representative to vote against a law that would eliminate the tax-exempt status of

¹⁴ *Tax Guide* at 8.

¹⁵ *Id.*; *Tax Guide* at 5-6.

churches would not be included.¹⁶

Here are several actions pastors may take in support of or opposition to legislation:

- *Pastors may lobby directly on behalf of the church.* As church officials, pastors can contact lawmakers and urge them to vote for or against upcoming legislation.¹⁷ Pastors can also inform their senators about their church's position regarding a candidate for a judicial or executive appointment.¹⁸ In a time where rights can be created or lost in the courtroom and when federal policies set an example for state and local governments, it is important for pastors to make their voices heard by exercising their right to lobby. Find ways to call, fax, e-mail, or send letters to elected officials here: <http://www.usa.gov/Contact/Elected.shtml>. Pastors, as church representatives, may also send legislators analyses, studies, and research on social issues or use church letterhead when they contact their legislators. Pastors can be advocates by addressing city councils and other local legislative bodies regarding legislation affecting their local churches and communities.
- *Pastors may let candidates know the church's position on legislation that they may encounter or can create.* Candidates are aspiring lawmakers, and it is never too early to inform them about legislation the church wishes to see created and passed should they be elected. Some websites, like Pro-Con.org (<http://www.ProCon.org>), compile lists of candidates and their contact information.
- *Pastors may update church leadership and the congregation*

¹⁶ See Treas. Reg. § 53.4945-2(d)(3).

¹⁷ *Tax Guide* at 6.

¹⁸ *Seasongood v. Comm'r*, 227 F.2d 907, 912 (6th Cir. 1955).

on developments in local, state, and federal legislation, especially legislation dealing with the five “non-negotiables” discussed briefly above in section three and in more detail in the *Voter’s Guide for Serious Christians*. Updates are beneficial because they educate members by familiarizing them with pending legislation and the actions of their elected officials in relation to its passage. When the legislation is finally presented for voting, congregants will have a better understanding of its purpose because they will have been made aware of the agendas behind its creation. Several good ways to send legislative updates are through mail, e-mail, bulletin inserts, or via the church’s website.

- *Pastors may authorize their churches to make donations to organizations whose primary purpose is to lobby for legislation.*¹⁹ These donations will be included in the amount allotted under the substantial activity test. Pastors cannot give church funds to any lobby that endorses a specific candidate or party, even insubstantially.

Legislation is more than politics. It is the law that governs what citizens may and may not do in their everyday lives. Pastors hold a powerful influence, and the time may soon come where their choice to act or abstain will tip the scales for, or against, legislation that violates God’s moral laws.

¹⁹ CRS Report at 5.

7. A Pastor May Personally Endorse Candidates.

Let us not become weary in doing good, for at the proper time we will reap a harvest if we do not give up. Therefore, as we have opportunity, let us do good to all people, especially to those who belong to the family of believers.

Galatians 6:9-10 (NIV)

While pastors have broad discretion in their lobbying actions, they also retain freedom as individuals to personally endorse or oppose candidates for public office because they are not subject to the same IRS restrictions which apply to the church.²⁰ Therefore, pastors may personally participate in the same forms of political activity as any other citizen, including, but not limited to the following:

- criticizing or praising candidates;
- attaching their names to candidate endorsements;
- contributing to political campaigns from their personal salaries; or
- joining or creating Political Action Committees (organizations whose main purpose is to support or oppose political candidates).

As long as pastors do not use church time, funds, or property to

²⁰ As of the writing of this booklet, the Johnson Amendment and IRS guidelines forbid pastors in their official capacity and churches from directly or indirectly supporting or opposing candidates for public office. *Branch Ministries v. Rossotti*, 211 F.3d 137 (D.C. Cir. 2000). However, in early 2010, the United States Supreme Court in *Citizens United v. Federal Election Commission*, 558 U.S. ____ (2010), struck down many of McCain-Feingold's campaign restrictions on corporations because they violated the First Amendment's protection of political speech. The broad principles announced in the case could mean that the Johnson Amendment will be struck down in the near future, which would restore the right of pastors and churches to freely support or oppose candidates for public office. Furthermore, the Alliance Defense Fund has launched the Pulpit Freedom Sunday (www.speakupmovement.org/church) effort to legally challenge the Johnson Amendment.

further their endorsement of or opposition to candidates, they can rest assured that they are complying with IRS guidelines. Furthermore, when doing so, the pastor should make it clear that he is acting in his individual capacity. For example, a pastor does not violate IRS restrictions if he attaches his name to a newspaper article endorsing a candidate. The article may even include the name of the pastor's church as long as the ad also clearly states that the church's name appears solely for identification purposes.²¹

It is well understood that pastors and churches may face threats and allegations from those who wish to pass laws that disregard godly principles. But pastors should not allow the enemies of freedom to intimidate them and their flocks into inaction and silence. In the face of a different kind of opposition, John Witherspoon, Presbyterian minister and signer of the Declaration of Independence, proclaimed, "If your cause is just, if your principles are pure, and if your conduct is prudent, you need not fear the multitude of opposing souls." If pastors comply with IRS guidelines when they voice their views and activate their church, they can be confident that their church's tax-exemption will be protected.

²¹ *Tax Guide* at 7.

CONCLUSION

Now all has been heard; here is the conclusion of the matter: Fear God and keep his commandments, for this is the whole duty of man.

Ecclesiastes 12:13 (NIV)

Although as Christians we know that this world in its present form will one day pass away, we also know that God does not desire for Christians to stand by passively and watch their nation fall into waste simply because they are “not of the world.” In fact, James warns against such a fatalistic attitude: “Anyone, then, who knows the good he ought to do and doesn’t do it, *sins*” (James 4:17). Thoughtful Christian leaders should not succumb to Satan’s lie that Christians should not participate in “politics.” Those that rule have the power to make laws that affect our everyday lives. They can decide whether sermons denouncing homosexuality are “hate speech.” They can choose whether a Christian’s tax dollars pay for abortions. They can decide the material public school teachers are required to teach every child.

The apostle Paul was not afraid to exercise his rights of citizenship, and neither should we be timid about asserting our First Amendment rights. But in so doing, we should always be winsome—always seeking to speak the truth in love. Today, more than ever, Christians, especially Christian leaders, must stand firm for the foundations of the faith. If we do not, we are at risk of losing our very liberty to exercise them—including the freedom we have to share the Gospel.

If you have a specific question that was not addressed in this booklet, please contact us at the National Center for Law & Policy. We are here to serve you and, if necessary, defend you.

Blessed are you when people insult you, persecute you and falsely say all kinds of evil against you because of me. Rejoice and be glad, because great is your reward in heaven, for in the same way they persecuted the prophets who were before you.

Matthew 5:11-12 (NIV)

In addition to the matters covered in this guide, our experienced attorneys are available to speak at your church or event regarding:

- Legal Threats to Home Based Bible Studies and Prayer Groups;
- Religious Freedom in Public Schools;
- Free Speech and Equal Access in the Public Square;
- Lessons from Proposition 8: Why Traditional Marriage Must Be Protected;
- The Impact of the Radical Homosexual Legal Agenda on Churches, Religious Organizations and Individual Christians;
- Life Matters: Abortion, Human Cloning, Euthanasia, and Stem-cell Research;
- Church Land Use and Eminent Domain: How to Deal with Hostile Government Agents;
- A Culture in Crisis: Emerging Legal Threats to Churches and other Religious Nonprofits;
- Having the Mind of Christ: Developing a Biblical Worldview in your Congregation and Community.

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PASTORS, PULPITS & POLITICS

THE CASE FOR CLEAR BIBLICAL MORAL TEACHING

As a pastor, do you wonder how proactive you should be about political issues?

The goal of this booklet is to assist you with your God-given responsibility to “speak the truth in love” in these politically correct times. Our hope is that you will be a bold and courageous leader who informs, motivates, and activates your congregation to positively engage and impact the culture to the glory of God.

THIS GUIDE ADDRESSES HOW A PASTOR MAY LEGALLY:

- Preach sermons which advocate the application of Biblical morality to legislative issues
- Authorize announcements regarding legislative issues
- Permit voter registration
- Permit the distribution of non-partisan voter guides
- Permit ministry leaders to address Biblical moral issues
- Lobby legislators
- Personally endorse candidates

In the words of Edmund Burke, “All that is necessary for the triumph of evil is that good men do nothing.” Are you willing to act for the cause of good?



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