

## The Intersection of Church and State

The Rev. Leslie K. Sterling

*Churches should stay out of politics. Churches can't get involved in elections because of the separation of church and state. Churches should lose their tax-exempt status if they take political positions.*

How many times have you heard people say this in the past year? How many times have you said it yourself? For most of the last forty years, since the Roe v Wade decision in 1973, involvement of religious organizations in political activity has primarily been associated with a conservative agenda. The Moral Majority in the 1980s and the Christian Coalition in the 1990s encouraged conservative congregations to dance around the edges of the tax-exempt laws by openly promoting specific candidates and political parties. In this century, conservative denominations have poured millions of dollars into supporting Proposition 8, the California ballot initiative on marriage equality. These and other actions have led progressive and liberal voices to decry direct political action by churches.

However, in the 1960s and 1950s, churches were a backbone of the civil rights movement, offering meeting space and use of telephones for organizing demonstrations. Decades before that, churches were at the forefront of social justice activities of all kinds, including workers' rights. Way back in the 1700s, defiant sermons from "political parsons" and "patriot pastors" directly encouraged colonists in their pews to seek independence and resist the British. In those days, it was more likely to be conservatives who railed against church involvement in politics.

The tax exemption for churches was officially established in 1894. A stricter IRS rule against political lobbying by churches went into effect 60 years later, in 1954. These days there appears to be a lot of confusion about the extent to which tax exemption laws prohibit political activity by churches, which has led some mainline churches to avoid political activity altogether.

Simply stated: churches are not allowed to campaign for or promote specific candidates or specific political parties by name. But there are theological justifications for church involvement in politics, and many ways churches can be politically active that are allowable under the law.

The Matthew 25 imperatives to feed the hungry, clothe the naked, tend the sick and welcome the stranger can and should be carried out by individual Christians, but can be more efficiently carried out by groups of believers working together, and can be more widely carried out when believers band together to influence public policy through the political process.

Budgets are a moral issue. Many churches are involved in stewardship season right now. Examining how parishioners and parishes allocate time, talent and treasure is a basic indication of moral priorities and values. Similarly, how a town or state or nation spends

money is a basic indicator of societal values. When education and health care and children and seniors are valued, budgets allot more money to them. When education and health care and children and seniors are the first budget areas to be cut, that also expresses their relative value to society.

The involvement of people of faith in politics can influence budgeting of public money for purposes that respect the dignity of every human being. Political advocacy is part of the way believers care for and love our neighbors at the local, regional and national level. "Thy kingdom come" is just an empty wish unless believers actively cooperate with one another to work to bend the arc of the universe toward justice.

Organized political activity is also a natural extension of ministries many churches are already engaged in. It is the difference between collecting cans of soup for a food bank, or promoting public policy expanding access to food stamps, WIC, school lunches and other feeding programs. It is the difference between giving spare change to the homeless, or promoting public policy creating more affordable housing and job training. It is the difference between caroling at the nursing home at Christmas, and promoting public policy ensuring increased Medicaid funding and better pay for nursing home workers. It is the difference between soliciting walkathon donations for breast cancer, heart disease or kidney disease, and advocating for better access to health care.

So if political activity is one of the ways Christians move the culture toward creating the beloved community on earth, what are the legally acceptable ways for clergy and parishes to be involved in politics?

**Voting.** Voting is non-partisan activity. Encourage parishioners to register to vote. Publish registration deadlines on your parish website and in your Sunday worship bulletin. Set up voter registration during social hour or on the sidewalk after a church service. People of integrity and honesty are needed in voter registration now more than ever, because unscrupulous individuals have been known to discard or destroy registrations from the party they oppose.

Encourage parishioners to vote. Remind parishioners frequently when election day is coming, especially for less-publicized primary elections, special elections, and off-year local elections. Church groups can help organize rides to the polls for elderly and disabled parishioners to enable them to vote, and help the homebound receive absentee ballots. If there are voter ID laws in your area, educate parishioners about the need for ID and help them in obtaining ID if transportation or accessibility is an issue.

Encourage parishioners, especially lawyers, to act as poll watchers. People of integrity and honesty are needed as poll watchers now more than ever, as unscrupulous individuals at polling places have been misleading potential voters about their ability to vote.

Encourage parishioners to run for office. Use a newsletter or Sunday bulletin to state facts about parishioners who are running for office. A bulletin announcement that says "Our parishioner Jim Gammill is running for state representative in the Middlesex 24th"

is a factual statement that does not constitute an endorsement that would violate tax-exemption laws.

**Preaching.** During worship services, it is obviously illegal for preachers to advocate for specific candidates or political parties from the pulpit. But clergy can preach about values and issues in a way that leaves it to parishioners to draw their own conclusions. Scripture talks about caring for the poor, the orphan and the widow, and budgeting of public money helps achieve these things. Scripture talks a great deal about welcoming the stranger, and it is a short step from this to compassionate immigration policy. It is even possible to preach about tax policy. References to keeping more of "my money" contradict the idea that everything we have belongs to God, a common theme of stewardship sermons. Preach generally about peace, compassion, healing, respect for the poor and marginalized, and parishioners can figure out for themselves which party or candidate favors those positions.

**Lobbying.** The 1954 ban on 501(c)(3) political lobbying does apply to churches. However, you may urge parishioners to write members of Congress in support or opposition to particular pieces of legislation, and even specifically advocate the adoption or rejection of legislation, so long as this political lobbying does not constitute a "substantial part" of the activities of the church. Letter-writing campaigns are a particularly convenient and effective ministry for the homebound.

**Individual advocacy.** Clergy as individuals may endorse political candidates, speak on behalf of candidates, and have their names used on a candidate's behalf, so long as it is clear clergy speak for themselves only and not for the church as a whole. Clergy names may even appear in political ads as long as church funds are not used to pay for the ad, and church affiliations are labeled as being for identification purposes only.

Clergy may attend public hearings and speak on behalf of public policy issues. Clergy may offer their personal opinions as to the proper Christian response to social and moral issues. Clergy may attend press conferences and speak in support of candidates, and even get a picture in the paper with a church affiliation listed, but so long as the endorsement was not made at an official church function, in an official church publication, or otherwise using church assets, and clergy do not claim they are speaking as representatives of the Church, these actions are not considered illegal political campaign intervention.

**Educational activity.** Clergy can allow churches to be used as a gathering place for public discussions on political issues. If an issue is particularly controversial, invite speakers to talk about both sides. Distribute voter information forms such as sample ballots.

Ballot questions are non-partisan activity, so churches and clergy can take positions on ballot questions. Clergy can allow churches to be used as a meeting place for parishioners working on ballot questions and other public policy issues. Fact-based information sharing, such as preparing and distributing a list of individual benefits parishioners will receive under the Affordable Care Act, is also allowable as an educational activity.

The bottom line: churches and clergy may not engage in partisan activity on church property or using church money. However, political activism connects clergy and churches to the immediate needs of the communities where our churches are located. Political involvement is a way to tap into the passion people feel about the issues affecting their lives, helping them recognize their calling to minister to one another. Political advocacy allows groups of believers to put prayers into action.

Blanket condemnation of church involvement in politics and vague references to the separation of church and state can be answered back with the above list of legally acceptable and scripturally appropriate forms of political involvement and direct action for churches.

Last but not least, political activity by Episcopal clergy and parishes can help dispel the notion that Jesus belongs to one particular denomination or one particular political party.

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