



Written by [Dave Bohon](#) on September 26, 2012

Pastors Prepare to Defy IRS With “Pulpit Freedom Sunday”

A small army of pastors across America is planning to defy the IRS rules against politics in the pulpit by participating in what they are calling “Pulpit Freedom Sunday” October 7. The event, which is being organized by [Alliance Defending Freedom](#), will target the 1954 IRS statute, called the [Johnson Amendment](#), that prohibits tax-exempt organizations, including churches, from endorsing candidates for office. “The purpose is to make sure that the pastor, and not the IRS, decides what is said from the pulpit,” said Erik Stanley, an ADF spokesman. “It is a head-on constitutional challenge.”



On that Sunday participating pastors will use their pulpits to preach sermons focused on a specific candidate, encouraging parishioners to show their support for that candidate at the polls. The sermons will be recorded and sent to the IRS. “We’re hoping the IRS will respond by doing what they have threatened,” Stanley told [Fox News](#). “We have to wait for it to be applied to a particular church or pastor so that we can challenge it in court. We don’t think it’s going to take long for a judge to strike this down as unconstitutional.”

Participating clergy said the issue is more about the First Amendment than it is about the candidates they are endorsing. “Pastors are rising up,” said the Rev. Jim Garlow, pastor of Skyline Church in San Diego, California. “The law hangs over us like a Damocles sword ... intimidating pastors.” Garlow told the *New York Times* that the “freedom of speech and the freedom of religion promised under the First Amendment means pastors have full authority to say what they want to say.”

In 1954, the IRS amended the tax code to mandate that churches and other tax-exempt groups are “absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of [or opposing] any candidate for elective public office.” IRS guidelines for churches specify that violation of the code “may result in denial or revocation of tax-exempt status and the imposition of certain excise tax.”

Stanley pointed out that while the IRS regularly threatens churches for supposed violation, it seldom follows through with prosecution because IRS bureaucrats are concerned about the legal challenge that would almost certainly result. “It is blatantly unconstitutional,” Stanley told Fox News. “They just prefer to put out these vague statements and regulations and enforce it through a system of intimidation.... Pastors are afraid to address anything political from the pulpit.”

Garlow noted that the IRS will “send out notices from time to time and say you crossed the line. But when it’s time to go to court, they close the case.” He said that he is participating because, like other clergy and religious leaders in America, he is concerned about the direction the nation is heading relative to taking a stand for faith and morality. “If I would have said 50 years ago that tearing up a baby in the womb is a bad thing, people would have said, ‘Of course it is,’” Garlow told Fox News. “But



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If I said that today, people would say ‘Pastor, you’re being too political.’”

The ADF, which initiated “Pulpit Freedom Sunday” in 2008, explained that the [goal of the event](#) is to have the Johnson Amendment declared unconstitutional, and to “remove the ability of the IRS to censor what a pastor says from the pulpit.” The group said that it is actively seeking to represent churches or pastors who are under investigation by the IRS for violating of the amendment “by preaching biblical truth in a way that expresses support for — or opposition to — political candidates.”

The group added that “Pulpit Freedom Sunday” is not about using churches to push a political position, but rather is meant to defend the “right of pastors to speak freely from their pulpits about all matters included in Scripture — even when Scripture is deeply relevant to a pending election or the quality of a candidate for office.”

In 2008, 33 pastors in 22 states participated in the first “Pulpit Freedom Sunday,” according to the ADF. The next year that number increased to 80 pastors, and by last year had risen to nearly 600. Participating clergy “preached sermons that compared the positions held by candidates with what Scripture says about those issues,” the ADF explained of the campaign. “The pastors then made specific recommendations about those candidates (including recommendations about whether the congregation should vote for or against them). Finally, the pastors brought their sermons to the attention of the IRS in the hopes that an audit of their churches would spark lawsuits challenging the constitutionality of the Johnson Amendment.”

Thus far, noted the ADF, “none of the participating churches have had their tax exemption revoked, nor have any received penalties from the IRS for what was said during their sermons.”



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