

Unprohibited speech

Trump complains that tax-exempt rules require religious nonprofits to be silent on politics. He's wrong.

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Thinkstock

In a meeting designed to warm the hearts of evangelical Christians, Donald Trump promised a crowd of evangelical leaders that he would change tax laws that prohibit churches from being explicitly involved in electoral politics. “You really don’t have religious freedom,” he told the leaders, “because when President Johnson had his tenure, he passed something that makes people very, very nervous to even talk to preserve their tax-exempt status. It’s taken a lot of power away from Christianity and other religions.”

Trump was apparently alluding to the amendment to tax law pushed by Senator Lyndon Johnson in 1954 that prohibits churches and religious organizations (like this magazine) from explicitly endorsing a political candidate, with the penalty of forfeiting their tax-exempt status. The constitutional merits of the rule—and its mode of enforcement by the government—have been challenged from time to time, but on the whole it has served as a reasonable guideline, and hardly an onerous one.

For one thing, the rule reminds churches that their vocation in the community is much larger and richer than that of being adjuncts to a political campaign.

Furthermore, the rule does not prevent religious leaders—like the hundreds who met with Trump in June—from engaging in political activity in their capacity as individual citizens. Nor does it prohibit religious leaders from using their institutions to talk about the moral values and social issues that are embedded in political decisions. What is prohibited is an explicit endorsement of a candidate.

Churches and religious organizations are perfectly free under the tax-exemption laws to express their views on immigration, guns, military intervention, abortion, same-sex marriage, health care, and other issues. They are free to express their views about character and religious values.

They are free, for example, to say that a candidate who relies on innuendo and hearsay is destroying the basis for genuine debate.

They are free to say that a candidate who threatens opponents with violence is undermining the basis of community.

They are free to say that a candidate who targets people of one religion for discriminatory treatment is attacking the basis of everyone's religious freedom.

They are free to say that campaigning by name-calling and personal insult is an affront to reason.

And they are free to say that a candidate who sneers at the disabled, ridicules people because of their appearance, and promises to engage in torture fails to understand that all humans are made in the image of God.

In short, there's no law against religious leaders and religious organizations speaking and living out the truths that are rooted in their faith.