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An Act of Unintended Consequence?

Allowing churches to exercise the right of unregulated free speech would be foolish according to C. Welton Gaddy and his Interfaith Alliance. Gaddy recently warned lawmakers that a measure proposed by U.S. Rep. Walter Jones (R-N.C.) called the *Houses of Worship Political Speech Protection Act*, (HR-2357) “would turn pastors, imams, rabbis and other would-be prophets into potential political operatives...”

But according to Rep. Jones, his bill would do nothing more than restore to churches, the freedom to exercise the First Amendment right of free speech in order to address issues of moral and political nature. He believes his bill is necessary because of the politicization of morality—those issues such as abortion, homosexuality, marriage and euthanasia which were formerly the domain of churches and synagogues—but are now hotly contested in every venue from Hollywood to the Boy Scouts of America.

As a result of the blending of the moral and political, pastors, congregations, and the public in general, have become confused as to what is and what is not permissible for people of faith to say and do, either in church or the public arena.

So why all the confusion? Isn't the Church protected by the same First Amendment right to free speech that applies to the rest of America? No—not exactly.

Since the mid-1950's, churches have been prohibited from endorsing or opposing political candidates or using their resources for the support or defeat of same. Churches and other charitable organizations that violate that ban, risk losing their tax-exempt status.

An “urban legend” has it that then Senator Lyndon Johnson pushed through Congress, a bill to muzzle churches in retribution for their repeated attacks against him during his 1948 campaign for the US Senate. That legend, however, is not supported by historical evidence. Although, a case might be made that had Texas ministers known then what biographers have since revealed about Johnson's personal conduct, they might have considered mounting a sustained effort against his candidacy.

It is true, however, that in 1954, Senator Johnson offered an amendment during a debate on the floor of the Senate that was intended to remedy one problem—but unleashed a host of others. Some say it was “the law of unintended consequences” at work.

During the late 1940's, Americans were alarmed by international events that appeared to threaten US interests. Both mainland China and Czechoslovakia fell to the Communists; North Korea was being armed by the Soviet Union which had just exploded its first atomic bomb; and several Americans had been charged and convicted as Soviet spies.

Hoping to allay public concern that Communists were infiltrating government, President Harry Truman established agencies called *loyalty boards* to investigate federal workers. Orders were issued for the dismissal of any government employee whose patriotism appeared questionable.

Following suit, the Department of Justice issued a list of organizations that it considered disloyal. The list was used by other government agencies as a guide for screening new job applicants.

In 1950, Senator Joseph McCarthy (R-WI) gained worldwide attention when he accused the Department of State of harboring Communists. Cognizant of McCarthy's broad public support, other officials began pointing fingers as well. Before long, being tough on Communism became the theme of political campaigns. Many incumbents were called "pinkos" by their opponents, meaning they were soft on Communism. Nobody, but nobody wanted to have that label.

Lyndon Johnson was called a Communist by hometown boys in his own party for supporting public works projects such as the Rural Electrification Administration, an agency designated to help bring electricity and telephones to rural areas of the United States and its territories. They contended that government does not belong in the power business—public power is a socialist concept. Numerous tax-exempt "anti-Communist" groups joined in the crusade against LBJ.

But, in 1954, public support for Senator McCarthy quickly evaporated when he accused the Army during nationally televised hearings of "coddling Communists." The Army made counter charges of improper conduct by members of McCarthy's staff, and the Senate condemned him for contemptuous conduct toward a subcommittee that had investigated his finances in 1952.

Seeing an opportunity to hamstring every "anti-Communist" group that had been "on his case" (and everyone else's), Senator Johnson proposed a change to the Internal Revenue Code (IRC) that would take such organizations out of their game. His sense of timing was not lost on peers or President Eisenhower who were all anxious to put an end to the "Red hunt."

However, tweaking the IRC to exercise more control over certain disaffected groups by taxing their "political" speech, was in reality, an act to amend the Constitution—without due process.

Whether the ultimate consequences to the Church were calculated or unintended, there is no denying that the Johnson amendment has had a chilling affect on the speech of pastors. Yet, questions about HR-2357 remain. Is it really necessary? Should we support it?

First, the bill will not empower the Church—only God does that. But, it will restore rights enjoyed by the Church for the first 350 years of America. On that basis alone, it's worthy of support.

Second, free speech is a gift of God, not of government. It is to be used wisely. Rebuking the king without the leading and unction of the Holy Spirit, is foolish, certainly. But, so too is it folly for the Church to promise favorable speech for gold coins. Does Balaam come to mind? But whether the measure passes or not, the Church must rid itself of the fear of taxes. Jesus paid taxes (Matt 17:24-27) and it didn't hinder His work. Why should it ours?

But, back to Mr. Gaddy who feels that pastors cannot be trusted with free speech—as if that were the issue. If he had personally experienced the love and forgiveness of our Lord and Savior, and was called and anointed for ministry, he would know that squandering precious pulpit time expounding on themes of taxes, transportation and rural electrification, just isn't of interest to a man of God. But talking about Jesus is.

Mr. Gaddy should know what we know. There's just something about that Name!

Rick Forcier

Executive Director