

18-C. Officers

On Amending G-3.0104 (Item 06-16)

The 223rd General Assembly (2018) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall G-3.0104 of the Form of Government be amended by adding the following statement as the last paragraph to read as follows? [Text to be added is shown as italic.]

“No congregation, session, presbytery, synod, or national office of the Presbyterian Church (U.S.A.), nor any individual acting on behalf of or in an official capacity for the above institutions, shall publicly endorse or oppose, or otherwise encourage or discourage others to vote for or against an individual running for public office.”

Rationale

The proposed amendment originates from the Presbytery of Western North Carolina as Item 06-16. The Presbytery of de Cristo concurred. The Presbytery of Western North Carolina provided the following rationale for Item 06-16 [edited].

Since 1954, the Johnson Amendment has been a provision in the United States tax code prohibiting charitable organizations, including churches, from endorsing or opposing political candidates. This allows for charitable organizations to qualify for tax exemption and qualifies donations to these organizations as tax-exempt. In recent years, there has been discussion regarding the repeal of this amendment; those in favor of repeal claim that the amendment infringes on the first amendment rights of clergy and other leaders of religious and charitable organizations while those in favor of maintaining the statute fear that a repeal would lead to religious and charitable organizations becoming safe-havens for tax-exempt and un-reported political contributions.

While full repeal of the Johnson Amendment has not yet come to fruition, action has been taken to loosen the interpretation and implementation of the statute when churches and secular charitable organizations are found to be in violation.

The Presbyterian Church (U.S.A.) has long supported the notion of the separation of church and state. We can see this throughout our Foundations of Presbyterian Polity. Section F-3.0101a and b affirms that “God alone is Lord of the conscience,” and that “We do not even wish to see any religious constitution aided by the civil power, further than may be necessary for protection and security, and at the same time, be equal and common to all others.”

While it is clear that the principles of this overture are present in abundance throughout the *Book of Order* and *Book of Confessions*, there is no explicit guidance offered to governing bodies or to those in leadership positions regarding endorsing or opposing candidates running for political office. This amendment to the *Book of Order* precludes such activity while still allowing for churches and leaders to actively engage with secular issues that touch on the life of faith, to work towards bringing God’s reign of justice and peace ever closer to reality.

Advice from the Advisory Committee on the Constitution

The Advisory Committee on the Constitution advised the 223rd General Assembly (2018) disapprove Item 06-16 providing the following advice [edited].

The Presbytery of Western North Carolina summarizes the history of the “Johnson Amendment,” and anticipates change to that statute. Because the Johnson Amendment has not yet been revoked or altered, it is premature for the assembly to address anticipated statutory change. The overture would reverse long-standing foundational principles of our denomination and have long-reaching effects on the church,

Individual Discernment and Diversity of Religious Belief

Presbyterians begin with a firm and fundamental belief in the private discernment of religious belief. Section F-3.0101 sets forth and affirms the historic principle that “God alone is Lord of the conscience” and that “in all matters that respect religion” “we consider the rights of private judgment... as universal and inalienable.” Holy Scriptures are the only rule of faith, and church power in matters of religious belief is limited as explained in F-3.0107. This first historic principle of church order (F-3.0101) was affirmed and explained in the policy statement, “God Alone Is Lord of the Conscience.”¹ The principle that God alone is Lord of the conscience both reflects and underlies many other foundational² and confessional³ statements in the Presbyterian Church (U.S.A.).

“Religious bodies and people of faith hold to a wide variety of convictions, ideas, and values that make important contributions to the shape and strength of public life. That life has been shaped by individuals and groups that have sought to create new forms, sustain traditional ones, challenge existing ideologies and reform or resist unjust institutions. Participation is thus viewed by the government sometimes as a blessing and at other times as a threat” (*God Alone*, p. 48; see also F-1.404). Because the individual is the bearer of conscience, it does not matter whether others of the same faith make the same conscientious claim. *God Alone*, p. 19. “Religious tolerance and pluralism are our political and societal norm. We do not perfectly achieve that norm and intolerance has not been eliminated....” (*God Alone*, p. 7).

Formation of Conscience in Community

While Presbyterians emphasize individual belief, we also recognize the importance of community and our shared expression of belief. Discourse and expressions of diversity within the church are important to formation of religious conscience. As Presbyterians, we recognize that “The formation of conscience occurs in community, but its exercise is very often finally an individual matter” (*God Alone*, p. 19). It is a fundamental principle for our church and our country that “The individual’s right to believe cannot be divorced from the right to exercise that belief in the company and community of others. For nearly every human being, the right to practice religion only as a solitary individual is virtually no right at all” (*God Alone*, p. 12). “The exercise of individual and corporate conscience must be affirmed as an integral aspect of religious liberty.”⁴

Separation of Church and State

The freedom to express religious views in public is as important as the freedom to determine religious beliefs for oneself. For Reformed Christians, “faith demands engagement in the secular order and involvement in the political realm” (*God Alone*, p. 48). The so-called “separation between church and

state” is “particularly misleading when used to advocate the separation of religion from politics or from any other dimension of the public order. The First Amendment has never meant separation of religion from community or separation of the church from public life. On their face, the religion clauses [of the U.S. Constitution] constitute an absolute prohibition on government participation in religious life; there is no hint that that barrier was even thought to isolate religion from the life of the republic” (*God Alone*, pp. 47–48).

Responsibility for Involvement in Public Life

The freedom and responsibility to express religious and moral views in public is an important part of our denominational principles and history. The Gospel demands that we share our faith and that we seek to be a community of faith witnessing to God’s good news and Christ’s teachings to the world in words and deeds. According to the Reformed tradition and standards of the Presbyterian Church (U.S.A.), “it is a limitation and denial of faith not to seek its expression in both a personal and public manner, in such ways as will not only influence, but transform the public order and involvement in the political realm” (*God Alone*, p. 48). This principle reflects our foundational statements (F-1.0301, F-1.0304, F-1.0404), other parts of the *Book of Order* (e.g., W-5.0304), and our long-standing and important history of social witness to world.

Endorsement or Opposition to Political Candidates

“For these reasons, limitations upon the freedom of religious bodies to participate in public life are illegitimate and unconstitutional. The church is bound to reject any regulation limiting church advocacy or particular legislation or endorsement of candidates, or establishing religious qualifications for office holders” (*God Alone*, p. 50). Over the centuries, Presbyterians have stood up and spoken out against those who would silence the church and the faithful.

Internal Revenue Code provisions that limit tax-exempt religious organization from devoting “substantial” activity to attempts to influence legislation or participate or intervene in political campaigns on behalf of any candidate for public office, as well as recent public debate, heighten concerns about religious discourse about public life. There is a difference between discussion of issues and candidates, on one hand, and intervention in campaigns on behalf of specific candidates on the other” (*God Alone*, p. 50).

The 200th General Assembly (1988) specifically affirmed that: “We recognize that speaking out on issues will sometimes constitute implicit support or opposition to particular candidates or parties, where policy and platform differences are clearly drawn. Since such differences are the vital core of the political process, church participation should not be curtailed on that account; but we believe that it is generally unwise and imprudent for the church explicitly to support or oppose specific candidates, except in unusual circumstances” (*God Alone*, p. 50).

Each council should be mindful of these foundational principles and historical practice. “It is easy to step from advocating our vision to seeking to enforce it, from protecting religious liberty to requiring ‘right’ belief and action. The church must advocate its positions on public issues, but it should not seek to exercise political authority in its own right” (*God Alone*, p. 50).

Endnotes

1. *God Alone Is Lord of the Conscience* is a policy statement of Presbyterian Church (U.S.A.) adopted by the 200th General Assembly (1988), and affirmed or cited by numerous subsequent General Assemblies and entities of the church. Hereafter “God Alone.”
2. Section F-1.0301 states the “Calling of the Church” is to be a community of faith, a community of hope, a community of love, and a community of witness. “The Great Ends of the Church” (F-1.0304) include “the promotion of social righteousness; and the exhibition of the Kingdom of Heaven to the world.” Section F-1.0404 explains the “Church seeks a new openness to God’s mission in the world.”
3. See, e.g., the Theological Declaration of Barmen and the Confession of 1967, which can be found in the *Book of Confessions*.
4. “The church is always obliged to respect claims of conscience lest it frustrate efforts to obey the will of God. We need not agree with the specific dictates of another’s conscience to respect and support the right to exercise that conscience. Paul told Christians that they were freed from Jewish dietary laws, but if the conscience of another is offended by eating certain foods, ‘for conscience sake—I mean his conscience, not yours—do not eat it’ (1 Corinthians 10:28–29). The obligation to respect the exercise of conscience is not only a dynamic of life within the church; it is both a demand and a dilemma of the First Amendment’s protection of religious freedom” (*God Alone*, p. 18).

Advice from the Advisory Committee for Social Witness Policy

The Advisory Committee for Social Witness Policy advised the 223rd General Assembly (2018) to approve 06-16 with suggested amendment providing the following advice [edited].

The Advisory Committee on Social Witness Policy (ACSWP) advises approval as amended below: [Text to be deleted is shown with a strike-through and with brackets; text to be added or inserted is shown with an underline and with brackets.]

“[No] [Except in cases of extreme danger to the common good, and even then with cautions against extreme partisanship, no] congregation, session, presbytery, synod, or national office of the Presbyterian Church (U.S.A.), nor any individual acting on behalf of or in an official capacity for the above institutions, shall publicly endorse or oppose, or otherwise encourage or discourage others to vote for or against an individual running for public office.”

The substantial and generally fine General Assembly social witness policy on church/state relations, *God Alone Is Lord of the Conscience* (1988; <https://www.presbyterianmission.org/wp-content/uploads/1-god-alone-is-lord-1988.pdf>) refuses to limit prophetic religious speech, but also recognizes the wisdom of our predominant practice. “The church is bound to reject any regulation limiting church advocacy or particular legislation or endorsement of candidates, or establishing religious qualifications for office holders.” But then, “There is a difference between discussion of issues and candidates, on one hand, and intervention in campaigns on behalf of specific candidates on the other.” And further, “... we believe that it is generally unwise and imprudent for the church explicitly to support or oppose specific candidates, except in unusual circumstances” (all three quotes from page 50).

The General Assembly spoke to the issues involved in the Tax Justice policy of 2014, reaffirming the principles behind the current 501.c.3 category, and further addressing the abuse of the 501.c.4 category of “social welfare institutions” for political purposes and personal enrichment:

Rules governing tax-exempt “social welfare organizations” (501(c)(4)s) should exclude or strictly limit the eligibility of donations for partisan political purposes, parties and candidates, and the individual and corporate donors to or through such organizations should be made public due to their influence on the political process

(http://www.pcusa.org/site_media/media/uploads/acswp/pdf/acswp_tax_justice._42.pdf, p. 4).

The 222nd General Assembly (2016) addressed this matter even more directly, responding to Supreme Court decisions in the Citizens United and Voting Rights Act cases, which intensified the role of money in politics:

[The Assembly:] Endorses the continuing prohibition of partisan political endorsements by religious organizations or their leadership and other measures to respect both religious liberty and the separation of church and state. The Presbyterian Church (U.S.A.) strongly supports the freedom of religious organizations to speak on matters of policy, but personal endorsements and partisan ties may present the appearance of or opportunity for collusion, special treatment, and the violation of nonprofit tax status. <https://www.presbyterianmission.org/wp-content/uploads/Election-Protection-and-Integrity-in-Campaign-Finance-2016-ACSWP.pdf>, pp. 2–3)

The Assembly Committee on Church Polity and Ordered Ministry (06) voted to approve the proposed amendment as amended 31/24. The 223rd General Assembly (2018) approved the committee’s recommendation with amendment 370/99. (See *Minutes*, 2018, Part I, pp. 73, 611.)

For the full report of Item 06-16, go to <https://www.pc-biz.org/#/committee/3000008/business>