

CASE STUDIES

1. Our Church takes our role as a place to talk about what matters: from spiritual growth and biblical text study to the most challenging issues facing our town, country, and the world. Recently, we ran a candidate forum for our city council race. Of course all of the candidates were invited and they all agreed to come. The room was filled when we got word that two of the candidates were “unable” to attend – they were the ones who would have faced the toughest questions. We held the event anyway. Was that all right? Was it the right thing to do?

Answer:

The short answer is absolutely yes if the cancellation of the two candidates came when the event already was happening. That said, your prep work matters. Did you make sure that the announcement of the event, whether internal to the congregation or any public publicity noted why you were hosting this event in terms of your spiritual mission and was it clear that all points of view were invited? Do you have confirmation, best in writing, that you sent out a request to all candidates and received a positive response from all of them? As long as you can show how even-handed you were, there should be no problem. The only other question is one of perception, that it would look as if you were biased. That could be easily addressed by an introduction that made sure everyone knows that the invitation to speak had been accepted and, perhaps, even reading from some statements of the candidate on issues as well as (if it is written) the decision not to attend at the last minute.

2. Our congregation takes a very strong and unequivocal stance on abortion. If there is dissent among congregants – or the clergy – no one hears it. In fact, in the last election, we held a rally in the sanctuary to support the cause and speaker after speaker implored congregants to go out and vote for candidates who uphold our principles about abortion. Was this all right for us to do?

Answer:

This is a more complicated case. The general rule is that the closer you are to an election, the more likely you could be challenged that your “unequivocal stance” is in fact advocacy for a specific candidate where the candidates are clearly divided and known on this issue. That rally could well be perceived as a partisan rally for the candidate whose position you endorse. If you are convinced you must hold such an event, then certainly make sure that there are no partisan brochures or flyers, no buttons that would endorse a candidate, and nothing that would tie to you a political campaign. While you are not likely to be challenged, especially if there is unanimity within the congregation and you have a published statement on the issue of abortion (or your church body or denomination does), you are at the edge of the law.

3. We are an urban congregation very aware of our responsibility to the community around us. Unfortunately there is too much poverty and homelessness – something we as people of faith and servants of God cannot accept. We are not bystanders. Our leadership has decided to open our facility as a shelter for 20 individuals during the winter months. We also want to provide bag lunches for the needy in our community. We have a small facility. What are the legal limitations? What can we do and what is prohibited?

Answer:

Assuming that you have not made the decision to open a 501(c)4 as an alternative option to fulfill your social justice ministry, then there are critical steps for you to take. If you have received any government support, you should have received instructions as to what is prohibited and allowed. But even if this is solely supported by your congregation, you should avoid anything that would look like a missionary attempt to convert those in need. Whatever you offer should not be in the sanctuary where you gather to pray. If that is your only room, you should try to make the denominational religious purpose less visible. Everyone must be welcome and there should be no religious litmus test for receiving help – no prayers that would exclude anyone in need. That said, individuals can certainly say “God Bless” if they choose and the congregants who are helping out can certainly gather before hand to say an explicitly denominational prayer.

You also need to be cautious to protect volunteer congregants if something negative should occur. Are they indemnified and the church insured? Have you set up precautions if there is any disturbance (often homelessness goes with mental illness so compassion must be linked to responsible preparation)?

4. I have decided in my role as a prophetic voice, to speak out on the moral danger to our nation and the world. This means speaking about issues for which there is little consensus in my congregation. While I am passionate in my belief, I want to nurture a community that can be respectful and yet openly discuss issues about which we disagree. How can I best create the right environment for such conversation? What limitations are there about what I can and cannot say from the pulpit? At a congregational social action meeting?

Answer:

First, we are delighted that you are prepared to take on this role as a prophetic voice and to nurture a congregation that is willing to engage in tough issues. We developed Session 2 that takes you through a number of steps to facilitate healthy and open dialogue and we hope you will use it as you bring hard issues to your community. One clergy member we interviewed said that when a congregant agrees with his stance, he is told that his is a courageous moral stance. When someone disagrees, the accusation is that he is just spewing his political views. So that is a reminder that it is best to address hard issues using the idiom of your community, the language of faith and spirit with which you are most at home and that your community expects to hear. Of course, avoid any partisan attack or support, anything that all would know your partisan political stance. This includes speaking from the pulpit, at any congregational function, even at events outside the congregation where your role as an employee of the congregation is obvious. This includes church or temple bulletins, blogs and other forms of communication and social media. That said, as a private citizen, you can attend political rallies and even endorse a candidate, but perceptions matter, so if you think your political role will be heard and seen as if you are speaking for your congregation, you may find your position challenged.

5. I am very proud of my congregation- the leadership joins me in speaking out about a bill before Congress that purports to deal with poverty. We are unconvinced and even though we are small, we are going to Washington to lobby against the bill. Our board has decided to rent buses, provide food and lodging, and to print a source packet of religious texts that support our views. To our amazement and joy we need extra buses to get everyone who needs to go on board. We are going to lobby Congress!! Are there any limits to what we can do in this heroic lobbying effort for justice and compassion for the poor?

Answer:

Again, mobilizing your community to do good, to express their religious values in the public square, is a great thing. We applaud your commitment to accepting your role as a citizen of faith. Our concern would be a financial one. As we taught, a religious 501(c)3 has limits as to how much of the congregation's funds, professional engagement and member volunteer time can be spent on political lobbying. If the cost of the buses, food, lodging as well as the material costs represent more than a small portion of your budget (more than, say, 10%), then you may be crossing a legal boundary. That said, if the purpose is also spiritual, you include teaching congregants and praying, you may have some leeway. Be careful here because you would not want the state attorney general to cite your congregation as spending hard earned contributions on politics rather than prayer. Once in Washington, D.C., make sure that your congregants are prepped to avoid any partisan politics. Try to visit congressional offices of both parties and speak about issues, not candidates.

6. Our congregation takes its civic role very seriously. Congregants turn to our religious community for guidance on the serious social, economic, and political issues we face. An election is coming up that includes ballot measures on a number of critical issues. We have decided to hold a 'learn about the issue' event hosted by our social action committee.
 - a. Our religious denomination has offered to come and provide us with the church's guidance on the issues at stake. They have brochures and other issue guides to distribute.
 - b. A political action committee that fully supports our church's stance on the key issues of the day has agreed to run the "learn about the issues" event for us. They can provide brochures and voter issue guides to our congregants.
 - c. In both cases, is there anything we need to watch out for to make sure we don't cross any legal limits to what our church is allowed to do?

Answer:

Religious denominational engagement yes; political action committee no. If your denomination has taken a position on the issues, you are fine with passing all that information on to your congregation. You may need to foster dialogue if the issues are contentious ones in which even your denomination has splits (there are no shortage of such issues today). You can have speakers as well, preachers and teachers, talking about the issues. Do not let a PAC (political action committee) or a 527 organization (created to raise dollars for candidates and elections) in the door unless, again, it is affiliated with your religious denomination and non-partisan (and even this may be dubious). That means no materials distributed, formally or informally, and no speakers or representatives in your building as representatives. Make sure that no rooms or equipment such as phones or fax machines are used, even as rentals, and create very clear guidelines on social media behavior of anyone employed by or publicly associated with the congregation. This is the one area that crossing a line may place you in jeopardy. It is not worth the risk.

7. As good religious leaders promoting civic engagement and democracy, we are holding a voter registration and get out the vote drive. We are calling congregants, sending out and collecting voter registration forms. We will provide transportation to and from the polls. Congregants driving their cars of course will use their mileage as a tax deduction. We are proud of our

congregation's role in promoting voter participation. Are there any restrictions we need to know before we launch this voter drive?

Answer:

We love what you are doing, connecting religious commitment with engagement in the politics and policies of this country. Helping people register, getting them to the polls and even helping those incapacitated to vote are all legal and meritorious. So what would be limitations? Anything partisan would be an issue. An example: if you used the polling lists of one party to make sure that only their supporters get rides, that would be wrong (or even if you avoided helping those you think do not support your candidate). Telling people how to vote concerning candidates as they register or go to the polls would be illegal. Supporting an issue, as long that issue is not identified as a clearly partisan one that obviously divides the candidates, would be fine. There is a financial issue only if you think the expenditures of your congregation and congregants would cross a threshold or more than 15% of the overall congregational budget. That is unlikely and would be very hard for anyone to verify. Again, perception matters both for congregants who disagree with church political views and for the public – if it looks and smells too partisan, you could have a problem. That said, the great example of voter registration drives was in the south registering African Americans and churches played a powerful role. No one imagined that newly registered Blacks would vote for segregationist candidates and yet, that effort is still applauded today. So barring something truly egregious, this sounds like the perfect effort.

8. Our congregation is very active in civic affairs. We not only have a food pantry and host thanksgiving and Christmas meals but we offer counseling services, job training, and a job placement center. In fact we have also created an interfaith council to address local issues such as gentrification and redevelopment of abandoned properties. We are wondering if we should create a 501(c) 4 that, while fostering our religious values, is independent of a congregation itself. What are the pluses and cons of this decision?

Answer:

For a start, size matters. If this is a large, concerted effort that transcends the congregation itself (either that it includes more than one institution or it serves a wide population) and brings in philanthropic, foundation and even government funds, then a 501(c)4 could make sense. It frees the congregation to focus on its spiritual and educational roles while still promoting the civic values by connecting congregants – and the congregation itself – to this larger community effort. And it allows the critical public service and civic work of the organization to have greater flexibility in what it can do. That said, if this is a smaller effort – a food pantry, serving Thanksgiving dinner, even providing shelter – then the costs of incorporation and administration may not be worth the effort. So funding matters, meaning not only the amount but also from where you get the funds, since government and foundation rules could get in the way of your ministry. It may be worth asking an accountant who deals with both 501(c)3's and 4's to evaluate which route is best for you. Either way, what you are doing sounds great and reflects the best of the values we cherish.

