

# IRS Pressures Churches to Stay Out of Election

## Black Ministers and Christian Right Get Message: Watch Your Tax Status

By GREG HITT

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WASHINGTON—The Rev. Floyd Flake is the sort of pastor who can move his flock out of the pews and into the polls.

But with four weeks to go before Election Day, Mr. Flake, a former Democratic congressman who heads the influential Allen AME Church in the Jamaica section of New York City's borough of Queens, says he has had to mute his political rhetoric. Why? The Internal Revenue Service has been warning churches and other charities since this summer to steer clear of engaging in political activities—or potentially risk a loss of tax-exempt status.

### 'It's Influencing Me'

"It has had a chilling effect," Mr. Flake says of the hard-line stance by the federal agency. "It's influencing me."

Mr. Flake isn't alone in his bedeviling. With the country possibly headed toward the closest presidential election in 40 years, and with control of the White House and Congress up for grabs, ministers and church leaders of all stripes are coming under intense pressure as both parties try to rally core supporters. Republicans are courting the evangelical Christians, such as members of the Christian Coalition who have been allied with the party since the Reagan presidency. Democrats are reaching out to African-American houses of worship like the one headed by Mr. Flake.

The by-now traditional mix of church and politics is running up against renewed efforts by federal officials to gain a measure of control over a political system where the rules have effectively broken down. The IRS warning this summer to churches came amid moves by Congress to crack down on another breed of nonprofit organizations—the so-called 527 groups, political organizations that were operating without public disclosure of their finances.

Among other things, the IRS said tax law allows churches and charities to sponsor debates or forums "to educate voters," but not if they show a preference for or against a certain candidate. What would violate the guidelines isn't spelled out completely. Political endorsements by a church aren't allowed, nor are they allowed to



take actions that benefit or hurt any particular candidate. But the IRS's own definition of what constitutes such political activity is a moving target determined by the "facts and circumstances." Church advocates say that standard is too broad.

### 'Worst Kind of Bullying'

"There is no clear line," says lawyer James Bopp, who represents the Christian Coalition. He complains that the IRS is attempting to "chill and intimidate" churches. "This is the worst kind of bullying," he says.

Leaving aside the constitutional barrier separating church and state, religious overtures are as much a part of American politics as red, white and blue bunting. "Churches have been involved in the political process for years," says Mr. Flake, recalling his disbelief at the IRS's election-year warning. "My initial response was that this is ridiculous."

But matters turn to shades of gray

when tax rules come into play. Churches and other groups organized as nonprofit charities are prohibited by law from supporting or opposing any candidate for public office. Doing so could result in a loss of tax-exempt status, and that in turn could mean a loss of deductions for church supporters. Moreover, such groups may have to pay tax on money spent on political activities deemed inappropriate by the IRS.

The IRS, when issuing its warning, pointed to a 1988 federal-court case that upheld the agency for denying a request for charitable tax status from a group—a state bar association—because the group had issued ratings of judicial political candidates.

### Skirmishes With Christian Coalition

"It's a not-so-subtle sign that they are watching, and that they have a zero-tolerance policy toward violations," according to Rob Boston, spokesman for Americans United for Separation of Church and State,

a watchdog group that supports the IRS effort.

A federal case handed down in March could have even greater implications. In that case, the U.S. Court of Appeals for the District of Columbia ruled in favor of the agency's decision to revoke the tax status of a church in New York state. The church had bought full-page newspaper ads in 1992 urging the defeat of Bill Clinton.

In the current presidential campaign, long-running legal skirmishes over the tax status of the Christian Coalition illustrate what's at stake. "I need your help," GOP presidential nominee George W. Bush told the members of the group in a recent video presentation. And the group, while not making an endorsement, appears to be answering the call. Headed by the Rev. F. Robertson, the coalition plans to distribute millions of voter guides before Election Day, highlighting for social conservatives where Mr. Bush and Democrat Al Gore agree or disagree with them on abortion and a range of issues important to the group.

The coalition claims nonprofit tax status—but as a public-advocacy group, not a charity. Even so, the group must operate under political restrictions similar to those of charities. Moreover, the churches that actually distribute the coalition's materials can face legal scrutiny.

This fall, Americans United for Separation of Church and State is sending out mailings to more than 280,000 churches capturing most of the Christian Coalition membership—warning them not to distribute the voter guides. The group contends the guides are "partisan campaign fliers slanted against Mr. Gore, an argument that Christian Coalition spokesman Bob Dutko disputes.

"Everyone on the right or the left of the spectrum wants people to be aware of the issues," Mr. Dutko says. "But when we do it, people say we are stepping out of bounds."

Mr. Flake himself became entangled with the IRS—and Americans United—when he endorsed Mr. Gore this year. Americans United filed a complaint with the IRS, and the agency later contacted him about his comments, says Mr. Flake, whose church is one of the largest in New York and a regular stopping point for candidates.

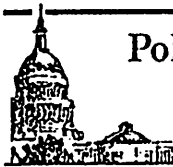
The matter was settled, Mr. Flake says, with his signature on correspondence indicating that he understands the tax rule and intends to comply with them. He says his support for Mr. Gore was not meant as a formal church endorsement. Even so, the whole episode has left him more circumspect about the political game.

"Semantics can get you in trouble if you're not careful," he says, adding that it isn't always clear what is permissible with the IRS and what isn't. "That's why you're dealing with now, trying to find the edges."

## Where Have All the Conservatives Gone?

PHILADELPHIA — If you want to feel warm and gentle check the Web sites of Rick Santorum, one-time firebrand of the political right.

On his Senate homepage there are nine issues mentioned, but not one reference to tax cuts. He's up for re-election this year, but his separate campaign site also includes only a brief mention of tax cuts.



### Politics & People

By Albert R. Hunt

The Pennsylvania Republican says Americans are "overtaxed and deserve a tax cut." This takes 75 words. By contrast, the same site offers a 1,584-word chronicle of Rick Santorum and African-Americans, including his work with Carol Moseley-Braun on transportation for inner-city residents.

This is the new "moderate" Rick Santorum. He was a right-wing poster boy six years ago when he toppled incumbent Democrat Harris Wolford in industrial Pennsylvania, running as an avowed opponent of government. The tough, confrontational Mr. Santorum, who attacked Democrats while a House member, urged Keystone State voters to "join the fight" against Washington; he rarely trimmed his sails. It was a great Republican year and he won.

When he got to Washington, he left no doubt he was different from moderate Pennsylvania Republicans who had served in the Senate. Almost daily he attacked Bill Clinton, and when Senate Appropriations Chairman Mark Hatfield voted against a constitutional amendment requiring a balanced budget, Mr. Santorum led an unsuccessful effort to take away his committee chairmanship.

Sen. Santorum continues to carefully court conservative activists and pundits in the nation's capital and is one of Senate Majority Leader Trent Lott's kitchen cabinet of insiders. He has few Democratic friends or allies in the institution. Confident of victory in November—he's outspending his Democratic opponent Rep. Ron Klink by 10-to-1—he's already mapping plans to climb into the GOP leadership next Congress.

But Pennsylvanians are hearing little of these conservative connections, at least from Mr. Santorum. He boasts of his backing for the National Endowment of the Humanities and of his support for a higher minimum wage. This onetime foe of wasteful spending reminds voters of all the pork he's bringing home.

"About two years ago Santorum realized he should move to the center, better to become Mr. Moderate," says Terry Madonna, a political scientist at Millersville University in Pennsylvania. Mr. Madonna says that his conversion and new emphasis on Pennsylvania projects is in keeping with the state's political tradition: "He has retreated to what Pennsylvania politicians often do—go after pork. We're not a state that produces leaders on the great issues of the day. We identify with guys who bring home things for their constituents."

The one-time conservative paragon makes clear that he's no longer encumbered by ideology. "You take the far left ideas and the far right ideas," he told the Boston Globe's David Shribman last month, "and you see neither is right."

Rick Santorum may be more blatant than most, but Pennsylvania illustrates the changing political realities of today's dozen or so competitive Senate races. They are being fought on the Democrats' turf; Republicans are scurrying to the center.

In Florida, Bill McCollum, the

staunchly conservative impeachment advocate in the House, is a Senate candidate this year. There are days this straight-laced conservative looks like he's wearing love beads. After toeing the line for the gun lobby and social right in the House, he now backs some gun controls and embraces hate-crimes legislation in a news conference with gay activists.

In Nevada, former Rep. John Ensign lashes out at HMOs and demands patients have a right to sue these predators, never mind that as a House member he voted opposite. In Montana and Michigan, incumbent GOP Sens. Conrad Burns and Spence Abraham are spending millions attacking their opponents' support for prescription drugs for seniors, contending that they really would provide more affordable and accessible drug benefits for the elderly. Earlier this year, conservatives insisted this was a bogus issue.

The Republican response is more than just rhetoric. In Rhode Island, the Republican Senate Campaign Committee ran an ad in which Sen. Lincoln Chafee brags that he "voted against his own party" in supporting a "real" patients' bill of rights and affordable prescription drug benefits under Medicare. Michigan's Sen. Abraham voted with Democrats to delay any tax cut before a prescription-drug benefit was enacted.

Or take the huge George W. Bush proposed tax cuts—\$1.3 trillion over 10 years, \$1.6 trillion counting interest. Most Republicans look like Marion Jones in dashing away from the Bush tax cuts. Several

weeks ago the Journal's Jerry Seib surveyed the eight most competitive Senate races and found that none of the GOP candidates embraced the Bush plan save one: Sen. Santorum. A few hours later, however, the Santorum campaign called back to correct the record: The senator felt the Bush tax reductions were "too big."

The next week, conservative columnist Robert Novak called Mr. Santorum to check out any heresy. The Pennsylvania Republican apparently had an epiphany: "I'm not familiar with every jot and tittle of his plan," he told the journalistic champion of tax cuts. "But I believe in across the board tax reductions—for all taxpayers, not just those who do what the government wants them to do."

Shortly after this column appeared, Mr. Santorum's press secretary reiterated to reporter Seib that the senator does not endorse the Bush tax-cut plan, and that he thinks it is "too big." The well-funded Santorum campaign-advertising effort apparently has yet to include any TV ads on tax cuts.

Mr. Santorum reflects a change in the national political environment. He's never been a captive of principles. He switched from passively pro-choice to passionately pro-life on abortion in the early 1990s to win important backing from conservative activists. He advocated a cap on punitive damages in medical malpractice cases, then his wife sued her chiropractor for double the ceiling he proposed for others.

The "new moderate" Mr. Santorum will probably succeed in November. The pro-life, economically liberal Rep. Klink is having difficulty raising funds from cultural liberals that dominate Democratic Party givers. But if so, on Nov. 8, let's not hear about conservatives prevailing even in Pennsylvania. As far as the voters here know, there are none running this year.



Rick Santorum