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# Congress Slams Door On Churches By Upholding IRS And Defeating The Houses Of Worship Political Speech Protection Act

*By: Dr. Greg Dixon*

Scores of preachers owe the unregistered church pastors a big apology while they eat their humble pie but we won't be holding our collective breaths. For twenty years now, ever since we sounded the warning of the dangers of incorporation, licensure and tax-exemption for churches in the early eighties, we have heard the following response from the preachers of America; "they're not telling me what to preach!" Then generally the follow up statement has been, "When they tell me what to preach I will do something about it." If it is true that the IRS is not controlling the pulpits of our nation then why were most of the big time preachers under the leadership of D. James Kennedy, senior minister of Coral Ridge Presbyterian Church and President of Coral Ridge Ministries, Inc. of Ft Lauderdale, Florida bombarding Congress over the past few months to pass the "Houses of Worship Political Speech Protection Act (H.R. 2357), which would have **allowed** religious organizations including churches to endorse candidates and spend tax deductible funds on partisan election activities? The bill sponsored by Rep. Walter Jones, (R-N.C.), and co-sponsored by 115 other members of the House went down to defeat September 27 by 178-239 with 15 not voting. Apparently liberal religious leaders who teamed up with the Baptist Joint Committee on Public Affairs and the National Council of Churches who lobbied against the bill have more clout on Capitol Hill than the fundamentalist and evangelical

big hitters.

These organizations argued that if the bill was passed it would open up huge loopholes in campaign finance laws. Obviously they were some of the original termites in the infrastructure of the body politic that was responsible for this position that has been held by the IRS since the thirties and enhanced by the forty-eight year old legislation passed by the U.S. Senate without hearings or public debate in July of 1954. It was offered by then Senator Lyndon Johnson as a floor amendment to ban all non-profit 501(c)(3) groups from engaging in political activity. At the time powerful anti-communist organizations were threatening his Senate re-election campaign. The best way to stop them, Johnson decided, according to World Net Daily in their report of May 21, was to silence them.

Even though the legislation targeted the non-profit groups that were contesting his seat the churches were also caught up in this ban because they had played the fool by giving up their protection under the First Amendment by either organizing or operating as public charities under the Internal Revenue Code (IRC). Since there was no outcry for the way that the IRS looked at them and also by accepting the silent contract with the IRS through receiving benefits from government such as tax-exemption and tax-deductible gifts the IRS treats them as public charities also in that they too are being supported by tax money. The para-church organizations were the first to climb in bed with the beast and play the harlot by receiving tax-exemption and tax-deductible funds. It wasn't long until the major denominations followed by individual churches yelled, "don't forget us, we want the goodies too", and hopped in bed with them. Since they all wallowed around in the same foul brothel together the government treated them the same with minor exceptions. However, even though the para-church boys and some gals had to qualify by filing form #1023 and also filing an annual #990 return which was not required of the churches, the IRS pulled off one of the greatest deceptions on the Bride of Christ since the time of the apostles. The plot is very simple, the

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churches still have to meet the same qualifications as the not-for-profits. All of this was designed so as not to alarm the churches for fear that they would awaken and jump out of the bed before they were totally corrupted. Unfortunately at this time she has been completely compromised and her garments besmirched by the stains of wickedness.

One of the saddest sights that we have seen in our lifetime are these modern day “heroes of the faith” like Kennedy who preach to millions of people, and who also rake in untold millions of dollars through their tax-exempt organizations, crawling up to Capitol Hill on hands and knees with their hands out begging for relief from their self-imposed chains so that they can get permission to preach and conduct activities that they believe God would have them to do. Do not the martyrs of the centuries weep as they sit in the great arena of the universe as described by the writer of the book of Hebrews in the following words: **Wherefore seeing we also are compassed about with so great a cloud of witnesses, let us lay aside every weight, and the sin which doth so easily beset us, and let us run with patience the race that is set before us...(Heb. 12:1)** Or can you imagine meeting the Lord Jesus Christ at the Judgment Seat of Christ and have to give an account of this perverse activity in light of the writers continuing words: **Looking unto Jesus the author and finisher of our faith; who for the joy that was set before him endured the cross, despising the shame, and is set down at the right hand of the throne of God. For consider him that endured such contradiction of sinners against himself, lest ye be wearied and faint in your minds. (v-2,3)**

Attorney Al Cunningham expressed it thusly in the Summer 2002 Lamplighter News: “The 501(c)(3) religious organizations (State-Established Churches) are smarting under government controls. If you have attended my seminars you understand that a Section 501 (c)(3) tax-exempt

religious organization is not a new testament Church and cannot be a new testament Church, nevertheless, the big-boy Baptists left Jesus Christ years ago and voluntarily placed their Baptist churches under government control in exchange for the benefits of section 501(c)(3). They sold out. Cash in hand is better to them than trusting the Lord for all things. They are now learning that those benefits came with a price. That price requires the absolute loyalty and obedience of the state-established churches to the government. The 501(c)(3) tax exemption is a government subsidy. All laws, rules, regulations and the public policy is binding on them. ‘The rules conflict with our religious convictions’ they say, The United States Supreme Court said, ‘so what?’ This is a high price to pay! If they have a need, they have to go to their creator and high priest; the government. The Houses of Worship Political Speech Act (HR 2357) that was recently voted down by Congress is a case in point.”

Kennedy understands very well this gag order on pastors and churches whether others do or not. On May 14, he appeared before the Subcommittee on Oversight of the Ways and Means Committee of the House of Representatives and gave a speech in support of HR 2357. In that speech he said concerning the Johnson legislation, “In just minutes and without debate churches...were stripped of their liberty to participate in American political life...The bill will reverse Johnson’s ban and return First Amendment protection to America’s churches, synagogues and mosques.” Speaking of the historic role of ministers in American political history he said, “One minister in the 1856 election had a choice between truth and falsehood, liberty and tyranny, light and darkness, holiness and sin, the two great armies of the battlefield of the universe, each contending for victory. Language like that today might earn a visit from the IRS. It did in 1992. After the Church at Pierce Creek in New York, placed a newspaper ad warning Christians not to vote for Bill Clinton for president. Three years later, the IRS

revoked the church’s tax exemption.”

What Kennedy didn’t say, however, is that the pastors who were active in the foundation of our nation and the pastor who gave the speech in 1856 were not drinking from Caesar’s trough through tax-exemption and tax deductible gifts. The churches at the beginning of our nation were not organized as public charities under the Internal Revenue code and operating under a silent contract that they will espouse public policy and propagandize for the state in exchange for benefits from the government.

Since the defeat of HR 2357 other groups have admitted publicly that the IRS is now in control of the churches and pulpits of America. OMB Watch has said on their web site that pastors cannot exercise their prophetic voice under the authority of the local church. Attorney Jay Sekulow of the American Center For Law and Justice (ACLJ) has also admitted in a public statement prior to the election of November 5 that churches are under “the law” referring to the IRC pertaining to public charities, and that ministers can speak out without fear as long as they stay within the guidelines of the IRS, the Federal Election Campaign Act (FECA) and past court decisions concerning non-profits. But Jerry Falwell in a pastoral letter to the pastors of America, dated October 5, has made the most wimpish statement of all on this subject with these amazing words, “Churches may invite candidates to attend and speak at events as long as they make the offer available to all candidates for the same office...” He also mentions that all activity must be non-partisan.

This is pure pablum puke. God’s preacher and the Lord’s true churches are under God’s law as revealed in the Holy Scriptures not under the IRC, FECA or capricious courts. God’s man and God’s church must always be partisan not non-partisan. They are to cry out as the prophet Isaiah said, “This is the way walk ye in it.” Listen to the words of our Lord Jesus Christ. “Enter ye in at the strait gate: for wide is the gate, and broad is the way, that leadeth

to destruction, and many there be which go in thereat: Because strait is the gate, and narrow is the way, which leadeth unto life, and few there be that find it. The strait gate is partisan and exclusive but the wide gate is non-partisan and inclusive but it is the way to life but the broad way is the pathway to death. Can you imagine a so called Baptist preacher in instructing pastors that they must invite wicked men to address their congregations and spew forth their wicked philosophy and doctrine. This would even include known Sodomites. The Lord Jesus also said, **“No man can serve two masters: for either he will hate the one and love the other; or else he will hold to the one; and despise the other. Ye cannot serve God and mammon.** The old timers used to say, “You can’t tote water on both shoulders.” Pastors and churches need to repent and renounce their tax-exempt status and begin functioning as New Testament churches without fear or favor regardless of the cost. They must stop playing the harlot and leave the Beasts bed and get back into a coverture relationship with Christ. We must say in the words of the old song, “Take the world but give me Jesus.” We sing, “Take my houses and lands”, etc. But we don’t really mean it. Preachers these days will do anything to hang on to their buildings, salaries, insurance programs, retirement plans, and prestige. Well time has run out. It’s now time for us to, **“quit ourselves like men”** and **“come out from among them and be ye separate...”** It’s time to go outside the camp with Jesus and bear His reproach (**Heb. 13:13**).

Falwell’s statements about non-partisanship is the only explanation as to why he entertained known sodomite Mel White and his fellow perverts at the Thomas Road Baptist Church last year. He did it to be non-partisan in order to preserve his tax exempt status. It is the same reason that Liberty University no longer has mandatory chapel services and also the reason that the University teaches evolution as the origin of the species in their science department. It is to maintain their Accreditation with

the Southwest Accrediting Association. Jerry has the misguided idea that if he presents truth and error side by side truth will win out but the Bible teaches just the opposite. It is a fact of nature that weeds will always triumph over flowers and one rotten apple will always spoil the barrel. It is the 2nd law of thermodynamics. All things tend to randomness, even in the spiritual world. Jerry is like most of the preachers in America today. They are like the monkey with it’s hand in the cookie jar and can’t let go of the cookie. They have their hand in the tax-exempt jar and can’t let go of their precious benefits from Caesar because they know like the Indianapolis Baptist Temple they will lose everything. The price is just too high.

Another thing that I keep hearing from preachers is that the pastors just don’t understand. With few exceptions, most of them do understand. It’s like what Mark Twain said about the Bible. He said that it isn’t the part that he doesn’t understand that bothers him. It’s the part that he does understand. The pastors certainly know enough to realize that if they renounce their tax-exempt status chances are they are going to be pastoring much smaller churches than they are now. A case in point is a meeting that this editor had with Jerry Falwell in 1984 in Washington, D.C. in connection with making plans for Fundamentalism ’84 at a luncheon in a hotel. Present at the table were several fundamentalist leaders at that time including Verle Ackerman who was President of the Baptist Bible Fellowship International, Bob Gray-President of Trinity Baptist College in Jacksonville, Florida, Wendell Zimmerman Editor of the Baptist Bible Tribune and two or three others. I broached the issue of the problem with church incorporation and how it is shackling our pastors and silencing our pulpits and that we must give up this alliance with government. Jerry agreed with my position by saying, “Greg is right but I can’t do what I want to do if I did that.” Does anyone wonder why the “big boys” left the Baptist Temple high and dry when we were attacked by the IRS and Justice Department?

It grieves me to write this article. Jerry and I have been friends for fifty-one years ever since we were classmates together at Baptist Bible College in Springfield. We have been comrades in the battle against liberalism. When he founded the Moral Majority which gave fundamentalism a national voice for several years I served as the secretary. The main reason that I resigned that position in the mid-eighties was to devote my time and energy to the unregistered church movement. I also realized that MM only dealt with fruit issues and I was interested in spending my life with root issues. John the Baptist came laying the axe to the root of the trees (**Matt. 3:10**). The weakness of MM was that it dealt only with fruit issues therefore other than being a witness for God and righteousness it did little permanent good. One illustration should suffice. The MM position on Homosexuality is that they should have civil rights but not special rights. Our position is that all laws against sodomy laws should be reinstated post haste. The reason that we are losing the battle in this area is because it has been legalized, therefore there is no defense against this terrible sin of perversion. No doubt this is what David meant when he said, **If the foundations be destroyed, what can the righteous do? (Ps. 11:3)** Sodomites should be extended their constitutional guarantees of due process, of course, as any one else who has been charged criminally. Following is the actual contract that churches and other Christian ministries are entering into either by filing form 1023 and submitting an annual 990 return or silently by accepting tax-exemption and tax deductible gifts.

**Department of the Treasury  
Internal Revenue Service  
Tax Exempt and Government  
Entities  
Title 26 (IRC)-Section 501(c)(3)  
Tax Guide for Churches and  
Religious Organizations  
Publication 1828 (Rev. 7-2002)  
www.irs.gov**

**With comments from *The Trumpet* in italics**

Comments from opening letter: "Congress has enacted special tax laws applicable to churches, religious organizations and ministers in recognition of their unique status in American society and of their rights guaranteed by the First Amendment of the Constitution of the United States"- *Tr-Note the deliberate double talk. First the IRS considers churches as well as religious organizations under their jurisdiction. Also in practice they treat both the same. Again note the deception in referring to the Constitution. If in fact they recognize "rights guaranteed by the Constitution..." then why are they making to "tax laws applicable to churches, etc." The First Amendment declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" If Congress is to make no law then there can be no "tax laws applicable to churches".*

"Churches...are generally exempt from income tax and receive other favorable treatment under the tax law; however, certain income of a church...may be subject to tax,..." *Tr-How did churches come under 'the tax law' and be 'subject to tax' if churches are sub- ject to the exclusive headship of Jesus Christ under the authority of the Word of God which is an inalienable right guaranteed by the First Amendment? The answer is simple. When churches began operating as corporations, unincorporated associations and other legal entities they voluntarily became subject to the IRS because legal entities have no Constitutional guarantees, only privileges given to them by the master that they have subjected themselves to.*

"It is also important for a church...to understand the tax law to avoid losing its tax-exempt status by engaging in activity that violates the Internal Revenue Code (IRC)." *Tr-Churches*

*are going to have to make up their mind. Is it worse to have your tax-exemption removed by the IRS or your candlestick removed by the Lord Jesus Christ? Remember therefore from whence thou art fallen, and repent, and do the first works; or else I will come unto thee quickly, and will remove thy candlestick out of his place, except thou repent. (Rev. 2:6)*

"The Internal Revenue Service (IRS) offers this...guide of Federal tax law and proced- ures for churches...to help them voluntarily comply with the tax rules." *Tr-Notice that IRS 'procedures' have been exalted above the rights guaranteed by the Constitution. You will also note that the tax system of the U.S. is a voluntary system and the IRS is there to 'help' churches 'comply with the tax rules'. Now we have laws, procedures and rules. This is why it is a code. You have to have the code to understand the tax laws. The reason that it has to be a voluntary system is because Congress has never adopted Title 26 which contains the IRC into positive law.*

"The contents of this publication reflect the IRS's interpretation of tax laws enacted by Congress, Treasury regulations, and court decisions. The information given is not comp- rehensive, however, and does not cover every situation." *Tr-The IRS does not operate under fixed law but rather a mishmash of interpretation. It gives them room to always have a peg to hang their hat on. How foolish of the pastors to lead their churches to be subject to these tyrants. The prophet Isaiah said, **Woe unto them that decree unrighteous decrees , and that write grievousness which they have prescribed; To turn aside the needy from judgment, and to take away the right from the poor of my people, that widows may be their prey, and that the may rob the fatherless! And then the prophet gives the following hope and warning, **And what will ye do in the day of visitation, and in the desolation which shall come from far? To whom will ye flee for help? And where will ye leave your glory? (Isa. 10:1-4)*****

"The resolution of any particular issue may depend on the specific facts and circumstances of a given tax payer. In addition, this publication covers subjects on which a court may have made a decision more favorable to tax payers than the interpretation by the IRS. Until these...are resolved by higher court decisions, or in some other way, this publication will present the interpretation of the IRS." *Tr-As the church lady said, 'isn't this convenient?' Please note that any church that volunteers to be subject to the IRC makes a confession that it is a tax payer. Tax payers must obey the IRS code, rules, regulations and interpretations. And the Supreme Court has already ruled in *Bob Jones University v IRS* that IRS interpretations prevail over religious beliefs. The Psalmist dealt with this in these words, **Shall the throne of iniquity have fellowship with thee, which frameth mischief by a law? (Psalm 94:20)***

The IRS considers this publication a living document, one that will be revised to take into account future developments and feedback." *Tr-This is evolutionary law. Why would the pastors want to lead their churches into this kind of legal quicksand rather than the simple quiet pastures that the Lord Jesus leads us through His word that never changes? There is only one answer...they must love their benefits from the IRS more than to live by faith at the hand of God so that we might say, **Blessed be the Lord, who daily loadeth us with benefits, even the God of our salvation. Selah. (Ps. 68:19)***

Page 1-"This publication explains the benefits and the responsibilities under the Federal tax system for churches and religious organizations. The term church is found, but not specifically defined, in the IRC...we use it in its generic sense as a place of worship including,...mosques and synagogues. *Tr-Note carefully the words "benefits" and "responsibilities." If a church takes the IRS benefits, ie tax-exemption, authentication and*

provisions then it is responsible to the IRS not Christ. One of those responsibilities is to confess that the church accepts the tenet of universalism which is the equality of all religions. We will also show next that the IRS has a very exact definition of a church which in reality is an IRS organized and run church.

Churches and religious organizations may be legally organized in a variety of ways under state law, including as unincorporated associations, nonprofit corporations, corporations sole and charitable trusts. Then in the Glossary this definition is refined to include the same 14 point criteria given by IRS Commissioner Jerome Kurtz in the state of NY in 1978. They include: distinct legal existence;...definite and distinct ecclesiastical government;...distinct religious history;...organization of ordained ministers; ordained ministers selected after completing prescribed courses of study;...schools for the preparation of its ministers." *Tr-In the original Draft of this same document in July 1994 this list was given a prominent place in large type on page 3. In the final draft it has been hidden in the Glossary in very small type on page 24. We have mentioned six only which runs totally contrary to Baptist doctrine and polity. Baptist churches do not have a distinct legal existence as defined by the IRS and created by state legislatures. This would also include a church that operates through a constitution and By-laws. A Baptist church does not have a definite and distinct ecclesiastical government. Again this would also include a church that operates through trustees. A New Testament church is a direct theocracy under the headship of Jesus Christ and ruled by Him through the pastor, the under shepherd according to the Holy Scriptures. (I Tim. 3:1, Heb. 13:17) . A N. T. church has no ruling board only deacons who are servants to the church through the pastor. (I Tim. 3:8-13) The ministers of a N.T. church may or may not be ordained.*

*Charles H. Spurgeon and G.B. Vick who pastored the Temple Baptist Church of Detroit were never ordained. A Baptist church has never as a doctrine required a completed course of study as the denominations do. Many of the greatest preachers down through the centuries have been self-educated such as Noel Smith Editor of the Baptist Bible Tribune. Our Lord nor His disciples would meet such a requirement. And only a few Baptist churches have a school within the church that trains its ministers for the gospel ministry.*

### TAX EXEMPT STATUS

Page 2-"Churches and religious organizations, like many other charitable organizations, qualify for exemption from Federal income tax under 501(c)(3) and are generally eligible to receive tax-deductible contributions. To qualify for tax exemption, such organizations must meet the following requirements:" Some of the qualifications include the following

"\*The organization must be organized and operated exclusively for religious, educational, scientific, or other charitable purposes." *Tr-Note that a church is considered no more than an other public charity such as the humane society, Red Cross, or Salvation Army.*

"\*No substantial part of its activity may be attempting to influence legislation, \*The organization may not intervene in political campaigns" *Tr-Note that the IRS considers a N.T. church a mere organization but the scriptures teach that it is a divine organism. Neither does a N.T. church engage in any political activity. Everything that it does is theological. (I Cor. 10:31) A part of that religious activity is being the conscience of the community through its salt and light ministry. (Matt. 5:13-16) In fact, if the church does not do this duty to God it will become useless and hated in society. The duty requires the church, through its pastor, to have a prophetic ministry that warns*

*of false prophets whether in the church house or the state house. (Rom. 13:4, Luke 3:10-20)*

"\*No part of the organization's purposes or activities may be illegal or violate fundamental public policy." *Tr-Here is the blank check. Any law that is passed or any court decision becomes law, and no matter how wicked it may be the church has contracted to abide by it, no matter how contrary to the Bible it may be. And what is fundamental public policy? It is anything that is legal including abortion, pornography, sodomy, etc. It also means that the organization church is subject to the 1964 Civil Rights Act and the various laws concerning discrimination including the Equal Employment Opportunity Act, etc. Basically this is the law that will be used to outlaw evangelism and missions. Pennsylvania has just passed a Hate Crime Law. The other states including the Federal government can't be far behind.*

### RECOGNITION OF TAX EXEMPT STATUS Automatic Exemption for Churches

Page-2-"Churches that meet the requirements of IRC Section 501(c)(3) are automatically considered exempt and are not required to apply for and obtain recognition of tax-exempt status from the IRS." *Tr-Note that churches although automatically exempt still have to meet the same requirements found on form 1023 that the other not for profits have to file. How long do you think this will last? Note the next paragraph.*

"Although there is no requirement to do so, many churches seek recognition of exempt status from the IRS because such recognition assures church leaders, members and contributors that the church is recognized as exempt and qualifies for related tax benefits. For example, contributors to a church that has been recognized as tax-exempt

would know that their contributions are tax-deductible.” *Tr-They already said that churches are automatically exempt but see how they try and lure the church in even deeper. Our prediction is that when a substantial number of churches have applied for tax-exemption through filing form 1023 the IRS will require it of all churches. The dissidents won't have a voice because the majority will have already bowed down.*

### APPLYING FOR TAX-EXEMPT STATUS EMPLOYER IDENTIFICATION NUMBER (EIN)

“Every tax-exempt organization, including a church, should have an Employer Identification Number (EIN), whether or not the organization has any employees. There are many instances in which an EIN is necessary. For example, a church needs an EIN when it opens a bank account, in order to be listed as a subordinate in a group ruling or if it files returns with the IRS (e.g., Forms W-2, 1099, 990-T). *Tr-The trap is now nearly closed. The IRS has worked nearly 100 years to bring all of religion under its wing. With the cooperation of the pastors it is almost complete. We believe that God is looking for a remnant that as Daniel and the three Hebrew children said No that they to will say no to this plot to control and then to destroy the Lord's true churches.* \*\*\*\*\*

## They Tore The Old Lighthouse Down

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# Pastors Summit On Religious Liberty Says Churches Can Own Nothing

Approximately 25 pastors and Evangelists met in Sharpsburg, Georgia for a Pastors Summit On Religious Liberty on January 20-21. The meeting was moderated by Dr. Greg J. Dixon, Pastor Emeritus of the Indianapolis Baptist Temple. After nearly two days of intense study and debate which included Attorney Al Cunningham of the Biblical Law Center of Montgomery Creek, California and other legal experts on the subject of asset protection the following conclusions were reached and their joint statement is as follows.

In light of the present political and legal climate in the United States we make the following recommendations to the churches of America.

1. The Lord's church as found and defined in the New Testament of the Kings James Bible cannot be a legal entity as defined by the Internal Revenue Service in IRS Publication 1828 and created under state law such as a corporation, trust, or unincorporated association. However, the Lord's church has the right to lawfully exist under our Constitution without fear of having it's mission or message from and for the Lord Jesus Christ from being hindered and experiencing reprisals by various governmental agencies including the Internal Revenue Service. However, that right has now been stripped from it by repressive government, and corrupt courts that have upheld the IRS in their war against the gospel of the Lord Jesus Christ and a lax Congress that has abdicated their fiduciary responsibilities of oversight and control of this and other out of control bureaucracies

2. The Lord's church is a living organism with living members and it has a living Head the Lord Jesus Christ who founded his local, visible body, the church, while on earth. He purchased it with His own blood before the foundations of the world, and he alone com-

missioned it and sustains it by the power of the Holy Spirit. It consists of those who have believed on the Lord Jesus Christ and have been baptized by immersion into that local body.

3. A pastor is to lead the flock of God according to the Holy Scriptures and not by the rules and regulations of government agencies including IRS Publication 517.

4. The Lord's church as found in the New Testament is independent and autonomous of all earthly powers, religious or civil, and is to follow their pastor as the under shepherd as he follows the Lord Jesus Christ.

5. The Lord's church should hold nothing in its own name real or personal. This position has been confirmed by two constitutional law firms that specialize in defending churches against state encroachment. The Biblical Law Center of Montgomery Creek, California has taken this position since the early eighties. And Zachary S. Gray an Attorney for The Christian Law Association also confirmed this idea in a letter to Dr. Greg Dixon on Gibbs & Craze Law Firm stationary dated May 8, 1998 in which he said, “To free the Lord's church completely from government entanglement, the church needs to divest itself of all of its property, both real and personal. It should not buy or hold anything in the name of the church. It should not have a bank account of any type. If a meeting place is rented, it should be rented in the name of an individual, not in the name of the church.

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The Trumpet is online at the following  
website:  
[www.unregisteredbaptistfellowship.com](http://www.unregisteredbaptistfellowship.com)

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2. The Trumpet without apology will present the historic Baptist position on all subjects. We are fundamental in all of our doctrinal positions including the inerrancy of the Scriptures. Eschatologically, we are Pre-millennial. However, we will not hold all contributors or source material responsible to agree with us on all points.

3. The Trumpet will vigorously contend for all of the biblical positions regarding faith and practice in the area of morals, culture, economics and government.

4. The Trumpet will stand vigilantly for the separation of Church and State especially as it is stated in the First Amendment to the U.S. Constitution and the various state constitutions.

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# CHURCHES AND CHARITIES HAVE LOST THEIR TAX EXEMPTION

By Dr. Greg Dixon

This was the headline of a press notice released by Advance America in January which is led by Eric Miller an Indianapolis Attorney who is its founder and Executive Director. Miller who is a member of a Baptist Church is also a candidate for Governor. According to Miller the Indiana Department of Revenue (IDR) unilaterally revoked the sales tax exemption for Indiana's churches, charities and not-for-profit organizations as of December 31, 2002 due to legislation (an amendment to HB 1001) that was passed by the Indiana General Assembly in the 2002 special session. The churches and other non-profit organizations were informed of this in an undated letter from the IDR in December and January. Miller said that Janice Barton, a supervisor in the non-profit section told him that the new law took place January 1, 2003 and that any church that did not reapply to be tax exempt by January 1 would have their exemption revoked. According to Miller the new Application form (NFP-20) requests confidential information concerning the operation of the church including, how a church raises money and where the money comes from, information on "members" of the church, how the church determines what to charge for various ministries such as camp fees. According to the Louisville Courier Journal citing the Department of Revenue churches are also required to submit information on income and expenses including salaries. Churches are also required to call the IDR and find out what additional information is to be provided on other "Supporting Schedules." In turn they will receive a Not For Profit Registration Certificate.

This news swept through the churches like a prairie fire and by the time their legislators phones, e-mails and fax machines lit up they knew that they had a near riot on their hands so they immediately began issuing statements denouncing the IDR letter. Senator Becky

Skillman said, "The Department of Revenue was wrong to revoke the tax exemption for churches and other non-profit organizations. The Department has exceeded their statutory authority." Senator Larry Borst said, "The Department seemingly has no heart with regard to the interpretation of HB 1001. The Department of Revenue is acting on their own and not following what has been done in the past." After a rally of approximately 2000 led by Miller at the State Capitol on January 30 he made the following statement of explanation after congratulating Governor Frank O'Bannon for working to resolve the situation. "The Governor and I agreed that churches and charities that were exempt on December 31, 2002 do not need to reapply in order to maintain their exemption and they do not have to provide confidential information concerning the operation of their religious or charitable organization in order to be exempt. In order to assist the Department of Revenue in updating their records, churches and charities are requested to voluntarily provide basic information on their organization."

No doubt now that this great "victory" has been won by the churches of Indiana it will be business as usual and they will all go back to sleep with the comfort in knowing that Eric Miller and Advance America which is also a not-for-profit will continue to be vigilant and alert them to the next crisis. But lets look at this issue a little more closely and see if in fact it is a victory or another defeat for the pastors and their congregations in the Hoosier state in the on going battle for religious liberty.

First be assured that those who head up the Indiana Department of Revenue would never make a decision to circulate such a letter to 21,000 churches and other public charities with these kind of demands without the approval of the Governor and leaders of the Indiana General Assembly. And I will also as-

sure you that they would not have moved forward without believing that they had legal standing through the amendment to HB1001 that was passed in basic secrecy during a special session of this past legislative year. Also remember that it had to be signed into law by the Governor to be valid. Also as things go in the area of religious politics the leaders of the House and Senate would have never moved forward with this style of legislation without counsel from the leading Catholic and Protestant ministers. Is it not strange that the only protest was from the evangelical and fundamental churches? To our knowledge there hasn't been nary a peep from the liberal clergy. Obviously they had no problem with these demands of the Department of Revenue.

The issue at hand is not property tax which does not involve the Indiana Department of Revenue but the local township assessors. We are dealing here with church exemption from paying sales tax on use and purchases in the state. The churches for years in order to qualify have had to file Form NFP-20 along with a determination letter from the IRS and file financial reports. Nothing has changed except they are now enforcing the law that has been in effect all along. It is also obvious that the real goal of the Department of Revenue was to revoke all tax-exemptions in the state and have all of the churches and other non-profits reregister with the idea of putting pressure on them to comply with the regulations that they have been ignoring for many years. We also believe that Indiana was to be a test state for the nation and that the IRS is the real force behind this request. We also believe that this was done because of the momentum that they got from the Baptist Temple losing their case in federal court. This shows the importance of the IBT case because if the church had won this wouldn't even have been issue now because every Church in America that wished to would be totally free to serve the Lord without any state registration, certification or licensure of any kind. Even though Miller seems to be a champion of religious liberty he has been

one of the strongest opponents of the unregistered church position and in the mid-eighties actually held meetings to teach pastors against our biblical and constitutional stance. He has also refused to debate this preacher on this subject. What a difference it would have made if he had led the pastors that attended the rally on January 30 to have stood with IBT during their battle with the IRS and U.S. Justice Department.

The proof that this is not a victory at all but only the loosening of the chains while the IRS, who is really behind this move of the IDR, figures out how to further enslave the churches without creating such a political fire storm. No doubt the IRS will demand this same reregistering of all churches and other non-profits in the future because the states will tell them that they don't have the power to do it. When that happens they won't be able to hold a big enough rally to make a difference because as the Baptist Temple found out there is a vast difference in dealing with the state and with the feds.

### **The Hollow Victory**

Following is what churches are still required to do in order to maintain their tax-exemption after the so called victory gained by Miller and Advance America. A call to the Indiana Department Of Revenue Not-For-Profit section revealed that all churches have to do to be exempt from Indiana sales tax is to file Form NPF-20A and complete Part I and II (Lines 1-8) with no attachments. This means that they have backed off of their demand for a determination letter from the IRS and financial reports which of course is in itself a victory but further examination will show that it is a hollow one.

### **All Churches Who Receive State Support Are By Law Agencies Of The State**

The amendment mentioned above settles the question as to state agency. Along with hospitals, penal institutions, universities and colleges all non-governmental organizations receiving financial

support or assistance from the state of Indiana are also included. In reality this is simply bringing state law into compliance with the Supreme Court ruling in the celebrated case of Bob Jones University v U.S. in which the court said that tax exemption was a government subsidy. In the same case they declared that the IRS has the right to do whatever is necessary to collect taxes. The IDR was simply carrying out their marching orders from the higher ups. You will note that Miller did not cite the Indiana or federal constitutions for authority for his protest but actually encouraged the churches to assist the Department of Revenue in updating their records by voluntarily providing basic information on their organization. This is the great give away by Miller and the pastors of Indiana. First they do not dispute that churches are agencies of the state. By this admission they deny the Lordship of Christ over their churches. And then to appease their captors they crawl with hat in hand and give over information about the inner workings of their churches. Following are the admissions that the churches have to make to get this state subsidy.

They have to confess that they are of no profit. They have to say that they are no different that all other non-profit organizations such as the Red Cross, the Humane Society and a myriad of other organizations such as hospitals, colleges and zoos. They must produce a federal and state Taxpayer Identification Number. They must meet the IRS definition of a church by being organized as a legal entity such as a corporation or unincorporated association. Also there are many intrusive questions about the inner workings and activities of the churches that will go into their data bank for further control of the churches.

By the grace of God the churches have escaped the worst of the medicine. No doubt God is giving them another opportunity to repent and to return to their first love. The only way to do this is to renounce their tax exempt status and begin operating as the Lord's churches not agencies of the state. Even at this late

# Once And For All It Was Not A Tax Issue

By Dr Greg Dixon

Every time the media mentions US v Indianapolis Baptist Temple, and please remember it is US v IBT not the other way around because the church never attacked the United States Government. The pastors and congregation have the deepest love and loyalty to our beloved nation and its constitutional form of government but we despise those with a "holy hatred" who would undermine our liberties that untold multitudes have bled and died for. Because of this and the understanding that the Lord brought us to from the Roloff and Sileven battles in the early eighties the pastors and Deacons of the Baptist Temple concluded that churches had surrendered their God given rights as guaranteed by the states and federal constitutions through operating as corporations and other forms of entities. The church sought means through constitutional law firms to extricate themselves legally from the old corporation and begin operating as a New Testament church not as a legal entity approved by the Internal Revenue Service. This was done by a unanimous vote of the congregation after approximately six months of study by the leadership of the church. Because of bad legal advice the church was not able to totally accomplish their goal until 1986 through the help of Attorney Albert F. Cunningham of the Biblical Law Center of Montgomery Creek, California. Because of this new status the church stopped giving tax-deductible receipts for those who gave to the ministry and also stopped operating as an agent of the IRS by collecting and paying withholding taxes on those who served in the ministries of the church. The law requiring churches to pay FICA taxes on employees wasn't passed by Congress until 1984. The church also stopped more than twenty other things that entangled it with the state such as filing property tax exemption forms.

The state of Indiana accepted all of these changes in the way that the church operated including accepting a letter of notification in the matter of the real property. Many other churches followed our

leadership at that time with no problems. If we could have had the cooperation from leaders among the Baptists such as Eric Miller, Dr. Jack Hyles, Baptist Bible Fellowship International pastors, and others we could have won total victory hands down. But rather than standing with us they fought us and preached against us. They also told the public officials that this was not the historic Baptist position on the separation of church and state. Because of this cowardice on the part of these and other preachers across the nation such as the late Bob Jones, Jr., Bob Jones III, Jerry Falwell and many other pastors and heads of Baptist Colleges the IRS saw a green light and move on IBT knowing that we had been isolated and could be easily picked off. And in time this is exactly what happened. As our Lord said, "...the children of this world are wiser than the children of light."

The Lord smiled with favor on the church no doubt by restraining the IRS to wait until 1997 to assess taxes on the church after the church no longer had a contract to participate in an agency relationship with the IRS. It is important for students of this case to understand that the IRS never assessed taxes on the Indianapolis Baptist Temple. The taxes were assessed on an old defunct corporation named Not A Church, Inc. with the Taxpayer Identification Number 35-1037016. The reason the name of the corporation was changed is because there was a law suit against that corporation and state law forbids dissolving a corporation if there is a law suit pending. A new resident agent was chosen and the corporate offices were moved to Swayzee, Indiana. There was no connection to the church and that corporation ever again. Later we found out that the agent allowed the corporation to administratively dissolve. However Judge Barker allowed this irregularity by the IRS by saying that the IRS simply made a mistake. If that is the case then why didn't she insist on them correcting their mistake and dismissing their law suit because at that point the material facts were incorrect, the IRS had sued the wrong entity and Barker admitted it, but said that it didn't make any difference. The 7th Circuit said the same thing. Those who keep blaming the church for losing the case because, "we didn't do it right" should start realizing that we are dealing with corrupt courts. The evidence is in because of the way that Barker mocked the pastors and congregation all through the proceedings, in writing and

in public and private statements.

A careful examination of the court records will show any unbiased party that taxes were never the issue at hand in this case although most of our critics attacked us from the viewpoint that we were tantamount to the worst black guards of history because we, "didn't pay our taxes". U. S. Attorney Robert Metzler made the following comments before the 7th Circuit Court of Appeals in Chicago. "...the position of Indianapolis Baptist Temple, which as we understand it, basically says that it allows no government regulation unless it voluntarily submits to it is simply an untenable position in society." Later in his argument he returned to this scheme by saying, "I'd also like to turn to uh as I said our second point which is the position that Indianapolis Baptist Temple advances they say that the tax laws do not apply to a New Testament Church and this appears to be part of their larger argument that they're simply not subject to any government regulation, for example, in the declarations submitted below there is a resolution of Indianapolis Baptist Temple that states that Indianapolis Baptist Temple will no way accept certification, registration, accreditation, licensure, or approval of its property or its ministries included but not limited to fire, health and safety standards, by any governmental agency, local, state, or federal." (Ed note-Metzler changed the word "inspections" that was in the resolution passed by IBT to clarify our position on the Lordship of Jesus Christ. to "safety standards"). Then Metzler after giving the court an absurd example of possibly doing harm to the community with toxic waste he said, "We hold that this is simply an untenable position."

On another occasion Metzler said that the Baptist Temple would owe no taxes if they had taken advantage of their exempt opportunities. He was referring to the 1994 law that we mentioned above that exempts a church from collecting and paying the FICA taxes if they file the exemption forms. The reason that the Baptist Temple did not file those forms is that it would violate our Lordship position by filing for a state benefit which tax exemption represents.

It is obvious that when these arguments

See Once For All Pg. 11

# Pastor Jim Grove Charged Criminally For Street Preaching Federal Judge

## Gives Him And Others A Temporary Restraining Order *By Pastor Dan Hardin*

"It should be noted that the Reverend Grove's attitude and demeanor during my encounter was extremely disorderly, confrontational and belligerent. He even descended to name calling and referred to this officer as a "d—n communist" at least once." These are the quotes from the February 5 York (Pennsylvania) Daily Record taken from a Criminal Complaint by police Lt. Russell Tschopp against the 56 year old Pastor of the Heritage Baptist Church near Logansville. The Affidavit of Probable Cause was filed in District Justice Linda Williams court on February 4 and charged the well known pastor, who in the past ran for Sheriff in the county, with disorderly conduct and harassment. York police also charged him with violating two city ordinances: failing to obtain a permit for the parade and joining the parade without permission. Three of the charges are infractions but the disorderly conduct charge is a misdemeanor which could result in a one year prison term. However, during questioning by Pastor Grove, who is defending himself, Officers Tschopp and Roger Nestor gave no evidence that the Pastor was disorderly in any way and their testimony including their own pictures showed just the opposite. At all times he was mild mannered, soft spoken and even compliant with the demands of the police when he and those with him were asked to leave the street and stand on the sidewalk. For the most part he encountered the police with folded arms and with a bible in his hand. At no time did the pastor curse or use abusive language. York City Police Captain Bruce Vesath told the York Dispatch that Grove and his followers have been coming to York for years to protest abortion and do street preaching and have

never been arrested or had signs confiscated. The incident came about on October 27 last year when Pastor Grove, Bruce Evan Murch and four of his children representing Full Quiver Ministries from Virginia and several others marched down the parade route before the York Halloween parade started. It was a good opportunity to get their message across because large crowds had already settled in on both sides of the street. The group passed out gospel tracts and showed graphic pictures of aborted unborn babies. The crowd reacted quite loudly and even tried to isolate the evangelists with white sheets and verbally abused them as well. However instead of arresting or at least restraining the unruly crowd they confiscated the pictures and said that they were keeping them for evidence after a request was made for them to be returned. Some time later the Pastor received the charges in the mail, which didn't include any one else that was present on that day.

As a preemptive measure Pastor Grove and the others went into United States District Court in Harrisburg on February 3 and asked for a restraining order against the City of York and all involved. After reviewing tapes of the activities of that day U. S. District Judge Sylvia H. Rambo granted the Plaintiff's a Temporary Restraining Order until a full hearing on the issue can be heard before her court. The heart of the ruling declared that what the preachers was doing is protected speech and that the York Police Department was wrong in taking their signs because they did no harm to the arresting officers and City Officials. She also said that the two ordinances that the Pastor is charged under are not applicable in this context. She also said, "It's in the public interest to

allow the plaintiffs to protest because the marketplace of ideas should be open to all persons...regardless of whether Defendants personally are offended."

However, Justice Williams just blew Judge Rambo's TRO off, the next day, when Pastor Grove presented it to her and then ordered him back to her court for arraignment on February 28, saying that she does not determine Constitutional issues at her level.

The York Dispatch, which originally took a position against the Pastor, now supports Pastor Grove some what in an editorial dated February 6. After saying that the City cannot afford a lawsuit over such a minor incident as this they closed with these words, "It's the authorities who are wrong here - and they're violating Grove's rights."

A foot note to all lovers of religious liberty are the concepts that John W. Symonds of the Parks Department who is responsible for issuing permits and Officer Tschopp displayed at the hearing before Justice Williams. They both said that they considered the subject of abortion to be political rather than religious activity. This is clearly the same position that the IRS takes in their definition of political activity and is one of the ways that they are seeking to control what is said from the pulpits of America. \*\*\*\*\*

### Tax Exempt Cont'd From Pg. 9

hour, if the pastors would with one voice cry out in repentance for their sin and renounce tax exemption and stop receiving tax deductible gifts from their members to support the Lord's work and then demand all of their God given rights guaranteed by the Indiana and federal constitutions, it may be that God would hold back the persecution that is coming on the people of God even in our country.

### Once For All Cont'd From Pg. 10

are taken as a whole the issue is not taxes but control. They cannot let anyone be free in the slave society that they have created. Everyone must pay their fair share. Everyone must tote the barge. No one can be allowed off of the plantation. Hopefully this article will more clearly explain the five principles that were established at the Pastors Summit in Sharpsburg which we mention earlier in this issue of The Trumpet.

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2. BE STILL 3:25
3. JESUS THE ONE AND ONLY 3:57
4. ANOTHER SOLDIER'S COMING HOME 4:06
5. I WILL STAND WITH YOU 4:21
6. THE WORD IS MERCY 5:32
7. SWEET HOUR OF PRAYER 3:34
8. I WILL GLORY IN THE CROSS 2:44
9. HE WAS THERE ALL THE TIME 3:40
10. HOW BEAUTIFUL 4:41

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