

Will religious freedom be written out of our history?

Some (including the ACLU and the West Virginia Legislature) argue that we must amend the West Virginia Constitution because current law treats religious organizations differently than non-religious entities by denying their First Amendment right to incorporate. **Actually, that is the point of the First Amendment** – “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” NO law! Churches and religious organizations CANNOT be put under the laws of incorporation; they CANNOT be treated as a creation of the government as corporations are.

IRS Pub 1828 says, “*Churches that meet the requirements of IRC Section 501(c)(3) [which simply means they are churches] are automatically considered tax exempt and **are not required to apply for and obtain recognition of tax-exempt status from the IRS.***”

An incorporated church might become “tax exempt” (subject to the whims of the government and the bureaucrats running it!) but an unincorporated church is “non-taxable.”

Also from Pub 1828, “*Congress has enacted special tax laws that apply 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.** Churches and religious organizations are generally exempt from income tax and receive other favorable treatment under the tax law;*”

The West Virginia Constitution includes “*Provisions may be made by general laws for securing the title to church property, and for the sale and transfer thereof, so that it shall be held, used, or transferred for the purposes of such church, or religious denomination*” and that is why West Virginia has special laws for churches, including also exempting church property from taxation: “*(5) Property used exclusively for divine worship; (6) Parsonages and the household goods and furniture pertaining thereto; (7) Mortgages, bonds and other evidence of indebtedness in the hands of bona fide owners and holders hereafter issued and sold by churches and religious societies for the purposes of securing money to be used in the erection of church buildings used exclusively for divine worship or for the purpose of paying indebtedness thereon;*” as well as cemeteries and benevolent property such as schools, orphanages, hospitals.

The prohibition on incorporating is REAL separation of church and state, as intended by the First Amendment. The founders of our constitutional republic and of our state clearly believed that churches must be free of government control.

However, some people disagree with this foundational principle and want to eliminate the freedom and independence of the church that our Constitution and laws are based on.

The West Virginia Nonprofit Corporation Act (2002 HB 2899, WV Code Chapter 31E) is a gargantuan law that, I’m fairly certain, covers every aspect of running a church that was left out of the Bible. The authorizing bill was 140 pages; so it’s pretty likely that (contrary to what the Legislature claims) the state WILL tell churches how to run their organizations.

But, it's not mandatory. "Oh, don't worry!" the Legislature says. "Churches will have a choice to incorporate or not." Yeah right! We've seen that a thousand times. A trial program will begin, perhaps certain benefits or incentives will be offered to a particular group, the program will be expanded incrementally, until –Voila! – it's mandatory for everyone!

Furthermore . . . Do you realize that West Virginia is the lone holdout on keeping churches free of government? Just imagine what the IRS can do, what restrictions it can impose, what chains it can use to bind Christ's church, when that pesky holdout is eliminated! If ALL churches are incorporated, then Pub 1828 can be re-written without the current reminders that churches are special and separate and naturally free of government control. Yes, a lot of laws can be re-written. . . . And, that part of our country's history will be forgotten, erased.

Every single church will then fall under the section of Pub 1828, titled, **Political Campaign Activity**. *"Under the Internal Revenue Code, all IRC Section 501(c)(3) organizations, including churches and religious organizations, are absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office."* Etcetera, etcetera, etcetera.

It might even take away the church's right to **"Issue Advocacy."** Yes, that IS still allowed.

Do the churches even care if they are under the government thumb? Maybe not! It's a convenient "out" to say, "I'm not allowed to participate in political activism." The main concern is not to offend anyone. The donations might stop flowing in.

The problem with religious organizations is that they're made up of fallible humans. And, just like the evil elitists that we oppose, these humans can succumb to greed. The churches want their donations and the donors want to deduct it from their income tax. Tax-exempt donations are a natural right that is still allowed, but the IRS has made encroachments.

It has enacted recordkeeping rules, substantiation rules, and – the biggest one – requiring charitable deductions to be lumped with all other deductions on the Long Form and the total amount to exceed the Standard Deduction. All this effectively means that most people no longer bother with it.

Where will it stop? It WON'T stop unless we stop it! Who will stand up for Christ's church?



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