

Notes for *Life*

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— Rev. Bart Day, executive director,
LCMS Office of National Mission

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A Note from the Director



Here we are again in the midst of another brutal election season. If you're like me, you are struggling with nausea induced by all the negative campaign ads. At just about this time in every election cycle, I wonder if we will ever get past the rhetoric and negativity to build a country where we are free to practice our God-given rights to worship and to enjoy life, liberty and the pursuit of happiness.

With this election, Christians — in particular — are faced with serious issues that require our utmost attention. Religious freedom, upholding the biblical definition of marriage and life issues have all become political fodder.

In this issue of *Notes for Life*, we tackle some of those tough questions being asked by our non-believing neighbors and even folks in our pews. How do we respond to questions like, "Is the Church too political? Will a congregation lose its nonprofit status if a pastor preaches against abortion from the pulpit? When does a church body cross the line and say too much? Do church leaders have the authority to speak on political issues for their members?"

We also provide helpful information on the Supreme Court decision regarding the Affordable Care Act and what it means for the lawsuits pending against the Health and Human Services (HHS) contraceptive mandate. We'll also discuss the ongoing fight for religious freedom and where we go from here.

Finally, if you don't read anything else, be sure to read the exciting information on the upcoming LCMS Life Conference in Washington, D.C., Jan. 25–26, 2013. You won't want to miss it!

May the Lord of life bless your ministry,

Maggie Karner
Director, LCMS Life and Health Ministries
Office of National Mission
The Lutheran Church—Missouri Synod



Q&A: Is the Church Too Political?

The Rev. Bart Day is the executive director of the LCMS Office of National Mission. He previously served at Memorial Lutheran Church and School, Houston, Texas, for 14 years.



NFL: As Christians, we are in this world but not of this world (John 17:16; Rom. 12:2). In light of these passages, what role should we play, if any, in the political arena?

BD: Our doctrine of the two kingdoms is really helpful in this regard. The Church remains the Church and never gives up the Gospel. The Scriptures speak clearly on moral issues, which fall under the kingdom of the Law. Civil society and the government should help put parameters on morality in a civil society. The Church butts up against those questions all the time and has to be able to speak on them within the Church. So, yes, when politics shape and form or change the moral fiber and ethos of the society in which the Church lives, then the Church has a clear responsibility to speak out.

Today, the government — in ways unheard of to this point — is actively legislating and encroaching on the Church's ability to preach the Gospel and not have our consciences constrained. Consider the following: (1) The repeal of "Don't Ask, Don't Tell" puts our military chaplains in difficult positions. (2) The U.S. Department of Justice is refusing to uphold DOMA (the Defense of Marriage Act, a federal law that defines marriage as between one man and one woman). (3) Our Synod's RSOs (recognized service organizations) are trying to navigate the world of law and legislation that is pushing them to conform to new government standards or have their funding taken away. I'm afraid if the Church does not speak now on political issues that are religious, we may not have a place to speak from anymore.

NFL: LCMS President Matthew C. Harrison recently spoke before a U.S. House of Representatives committee and released an open letter regarding religious freedom in light of the Patient Protection and Affordable Care Act (PPACA) and the Health and Human Services (HHS) mandate. Is the LCMS as a church body too involved in politics?

BD: I think the Synod has the responsibility to be the voice in that arena for all the voices in the Synod who cannot do it on their own. President Harrison certainly has done it rarely and cautiously. A few people criticized his involvement, but do they really understand how big the government's assault on religious freedom and freedom of conscience is? Because our Synod "walks together," it's important that we have a voice far greater than individuals and congregations. President Harrison is not trying to be political but is trying to maintain the Church's voice and conscience in the civil realm in order to minimize or deflect government intrusion. If we continue to be quietistic, we'll soon be told that we cannot marry anyone if we don't also perform gay marriage, that our chaplains will not be eligible to serve in the military unless they agree with gay marriage and worse.

NFL: When does a church body cross the line and get too involved in the political sphere?

BD: We're not asking for the government to be Christian, but we're asking them not to tread on our religious freedom and bind our consciences. We can be ruled and governed perfectly by non-Christians. The point of the Church in the civil realm is not to preach the Gospel there and try to convert everyone, but it is to remind them of our freedoms on which they cannot encroach.

Q&A, continued

NFL: Recently, there has been controversy about whether the group of Roman Catholic bishops suing over the HHS mandate actually speak for the Catholic church. Do church leaders have the authority to speak on political issues for their members? Should they?

BD: I think they do but only when the political issues intersect with church teaching. That doesn't mean church leaders have to tell everyone how to vote, but they do have the authority and responsibility to educate and inform members on issues of the Gospel.

NFL: Will a church lose its nonprofit status if a pastor preaches on a political issue from the pulpit?

BD: Far too many of our pastors believe that because their church is a 501(c)3 organization, they cannot talk politically from the pulpit. The Johnson Amendment, approved by Congress in 1954, prohibits 501(c)3 organizations from engaging in certain political activity, including supporting or opposing candidates for political office. But it is believed by some that the amendment is unconstitutional, since it arguably encroaches on both the freedom of speech and the freedom of religion aspects of the First Amendment. Many religious groups have tried to bring lawsuits to challenge the Johnson Amendment, but to my knowledge, the IRS has not thus far prosecuted any church that steps over the line of politicking within the church. Perhaps the IRS has concerns itself that the amendment will be ruled unconstitutional.

So, we have pastors living in fear of saying anything, anywhere. My fear is that someday we'll wake up and wonder where the pulpits and churches are, because censure has crept up on us. The Alliance Defending Freedom (www.alliancedefendingfreedom.org) has some great resources on this.

Finally, I have to ask: When Jesus said, "Take up your cross and follow Me," did He mean, "Only as long as you keep your tax-exempt status"? I don't think the tax exemption is why parishioners give money to the church either. Instead, the question is, "Will the Church be the Church?"

NFL: Any final thoughts on the role of the Church in the public square?

BD: The Church must speak lightly and not become a voice crying, "Wolf!" But we are called to uphold the most critical issues to our Christian faith, and when the government is asking or coercing us to do things against our faith, the Church must speak. Jesus called us to confess Him before all people, not to placate people or worry about our tax status.

Health-care Coverage and American Conscience Rights

The PPACA was enacted in 2010, and certain sections of it were recently upheld by the Supreme Court. Yet, polls taken over several months show that Americans are deeply divided over the law (see www.rasmussenreports.com). Much of the division stems from deeply-held political and ideological beliefs. Christians may debate many of the merits of the PPACA in their Christian freedom and disagree on fundamental provisions in the law, but when is it appropriate to speak publicly against the law as a Christian citizen?

1 Cor. 4:6 says, “I have applied all these things to myself and Apollos for your benefit, brothers, that you may learn by us not to go beyond what is written, that none of you may be puffed up in favor of one against another.” Christians sometimes explain this verse by saying, “Where the Bible speaks, we speak; where it is silent, we are silent.”

When the U.S. Department of Health and Human Services issued a final rule requiring most health plans to cover the cost of contraceptives, including emergency contraceptive — regardless of the business owner’s or institution’s theological beliefs — President Harrison, on behalf of the LCMS, did not remain silent. He issued a series of statements and open letters and testified before a House committee calling attention to religious institutions that are now forced to choose between following the law and following their religious beliefs and consciences. Although the mandate does not currently apply to the Synod’s health-care plan, which is grandfathered and thus not yet subject to the mandate, President Harrison could not remain silent as the federal government encroached upon religious freedom.

We have put together a timeline of major milestones in the PPACA, as well as the response of the LCMS. Many sections are linked for in-depth analysis, Harrison’s statements and more information.

Nov. 4, 2008

American voters indicate a need for health-care reform, increased health-care coverage and reduced health-care costs.

2009

The House and Senate wrangle over passing a health-care bill. Heavily-disputed issues include the public option, the individual mandate, public funding of abortion, mandatory coverage of abortion in new health plans and government panels to determine which medical treatments an individual may receive.

March 23, 2010

The PPACA becomes law. Attorneys general in 14 states file lawsuits challenging the constitutionality of the law’s four major provisions (the individual mandate, the employer mandate, Medicaid expansion and insurance exchanges). One of the lawsuits was later joined by 13 additional states.

Aug. 1, 2011

The HRSA issues its preventive services guidelines for women, which include coverage of a variety of services at no charge, including contraceptive services.

Dec. 13, 2010

The first verdict on the series of lawsuits against the PPACA is delivered in the Virginia District: The individual mandate is unconstitutional. Subsequent rulings are mixed. **See a complete infographic with each case and its ruling.**

July 19, 2010

The U.S. Departments of Health and Human Services (HHS), Treasury and Labor issue an “interim final rule” implementing the preventive services mandate that was contained in PPACA. This rule stated that women’s preventive items and services would include preventive care provided for in guidelines issued by the Health Resources and Services Administration (HRSA).

Aug. 3, 2011

The U.S. Departments of HHS, Treasury and Labor issue an “interim final rule,” which states that preventive care for women would include care described in binding guidelines issued by the HRSA, and that contain a narrow religious employer exemption to the mandate to cover contraceptive services.

Feb. 10, 2012

The U.S. Departments of HHS, Treasury and Labor issue a final rule on preventive services, which finalized — without change — the interim final rule. This continues to require health plans to cover the cost of contraceptives — including emergency contraceptives, which can act as abortifacients and include drugs such as Plan B and Ella.

Some plans, including the LCMS Concordia Health Plan, are grandfathered plans, which means they are not required to comply with certain PPACA requirements at this time, including the contraceptive mandate. **Read the FAQ** from Concordia Plans. **Read President Harrison’s statement on the HHS rule.**

March 16, 2012

The U.S. Departments of HHS, Treasury and Labor issue an “advance notice of proposed rulemaking,” which includes proposed amendments to the final rule on preventive services. These amendments are described as an “accommodation” to “non-exempt, nonprofit religious organizations with religious objections” and are denounced by many religious organizations as unworkable.

Feb. 14, 2012

President Harrison releases a statement saying that the LCMS remains deeply concerned about the contraceptive mandate, despite President Obama’s assurances that religious groups would be accommodated. **Read the full statement.**

Feb. 16, 2012

President Harrison speaks on a panel before a U.S. House of Representatives committee on religious freedom and separation of church and state. **Read his full testimony.**

June 28, 2012

The Supreme Court rules, 5–4, that the individual mandate requiring most Americans to have health coverage or pay a fine is constitutional under the government’s power to tax. The Court also strikes down a portion of the Medicaid provisions, stating that the federal government cannot penalize states who opt out of expansions to their Medicaid programs by withholding all Medicaid funding. **Read the full opinion.**

June 21, 2012

President Harrison releases an open letter called “Free Exercise of Religion: Putting Beliefs Into Practice.” The letter, signed by two dozen religious leaders of all faiths, urges the HHS to retract its mandate because “No government should tell religious organizations either what to believe or how to put their beliefs into practice.” **Read the full letter.**

March 26–28, 2012

The Supreme Court hears oral arguments on the PPACA, particularly whether Congress exceeded its authority in the Commerce Clause by requiring most Americans to have health coverage or pay a fine. **Read transcripts from the oral arguments.**

June 28, 2012

President Harrison releases a response to the Supreme Court decision, stating that the LCMS remains opposed to the contraceptive mandate — one of the requirements included in the law — because it runs counter to the biblical truth of the sanctity of human life and creates a conflict of conscience for religious employers and insurers. **Read the full statement.**

Aug. 10, 2012

President Harrison and the Rev. Samuel Rodriguez, president of the National Hispanic Christian Leadership Conference, write an editorial published in The Washington Post that explains why all religious people and organizations should be gravely concerned about the far-reaching implications of the HHS mandate. **Read the editorial.**

Aug. 1, 2012

The contraceptive mandate goes into effect. Any health plan that is not grandfathered or considered exempt will need to comply with this mandate, beginning with the first day of that plan’s year, on or after Aug. 1, 2012.

Future milestones

The PPACA will be implemented in stages over the next several years, including the establishment of insurance exchanges and a requirement for individuals to maintain “minimum essential” health coverage or pay a tax.

Meanwhile, more than 50 organizations in 24 separate lawsuits are suing the Department of Health and Human Services over the mandate that requires most employers to provide coverage for contraceptives and sterilization for their employees. The outcome of the lawsuits may hinge on whether religious freedom merely protects the right to worship or whether it also protects the right for religious organizations to step outside their worship space and serve their neighbors. Keep up to date on the lawsuits at www.preserverreligiousfreedom.org.

Where Do We Go from Here?

Issues of the sanctity of life and our religious freedom cannot be taken lightly and should be a concern of all Christians, regardless of political party or affiliation. The most important way to exercise your vocation as a citizen (in both the national and local arena) is to participate in the

voting process and encourage others to do so as well. As the November elections draw close, be sure to check www.lcms.org/life to download our voter guide on issues of life, religious freedom and family issues.



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Want to stay on top of life news from LCMS Life Ministries? “Like” our Facebook page: www.facebook.com/LCMSLife. You’ll be notified when the latest *Notes for Life* issue is out, and we’ll link to important life news in the meantime. Tell your friends too! Click the “Suggest to Friends” link on the left-hand side of the page. Thanks for your support.

Calling All Readers

We want to hear from you! If you’ve got ideas for future issues, comments, feedback on articles you’ve read in *Notes for Life* or news and life outreach stories from your part of the world, please let us know. Write to lifeministries@speaking4life.com with your stories, and be sure to include your name, city and state. Or post on our Facebook wall.

Coming Up

In Defense of the Defense of Marriage Act:

The Defense of Marriage Act (DOMA), a federal law that defines marriage as the legal union of a man and a woman, has been making its way through the lower courts and will likely come before the Supreme Court in the next few years. How does God’s design for marriage and family inform a Christian’s political position on issues like DOMA and gay marriage? Is gay marriage really a big deal, and how do Christians understand and speak about their own beliefs without sounding unloving and discriminatory? Not a subscriber? Don’t miss the next issue! Sign up at www.lcms.org/enews to receive this free quarterly e-mail newsletter.

Life Conference Preview

The 2013 LCMS Life Conference is jam-packed with headline speakers including the Rev. Dr. Matthew C. Harrison, president of The Lutheran Church—Missouri Synod; Mollie Ziegler Hemingway, journalist and contributor to www.patheos.com/blogs/getreligion; Carol Tobias, executive director of National Right to Life; and Tim Goeglein, vice-president of external relations for Focus on the Family and former special assistant to George W. Bush.

Meet two more of our featured speakers:



Dr. Robert Benne, author of *Good and Bad Ways to Think about Religion and Politics*, is director of the Center for Religion and Society at Roanoke College in Salem, Va., and is a frequent writer and speaker on the relationship between Christianity and culture. Dr. Benne’s talk will focus on the themes in his book, which advocate critical engagement in the political arena as a happy balance between complete removal and complete immersion in politics from a religious perspective.

Order the book from www.amazon.com and download a free study guide by Prof. John Pless of Concordia Theological Seminary, Fort Wayne, Ind., (<http://lcmslife-conference.org/files/studyguide.pdf>) to prepare for Benne’s talk.



Rev. Jonathan Fisk — an LCMS pastor, video blogger at Worldview Everlasting (www.worldvieweverlasting.com) and author of *Broken: 7 “Christian” Rules that Every Christian Ought to Break as Often as Possible* (CPH, publication date October 2012) — will share valuable tips in the youth track for using electronic media platforms for sharing the truth through powerful Christian apologetics.

You won’t want to miss this groundbreaking conference, beginning with the March for Life in Washington, D.C., on the 40th anniversary of *Roe v. Wade* and continuing with in-depth sessions on when and how Lutherans can engage in the public square. Register yourself, your family or your youth group here, but hurry, because space is limited: www.lcmslifeconference.org.

In the News

Judge Upholds Arizona Law Banning Abortions after 20 Weeks

A federal judge in Arizona has issued a ruling upholding that state’s new law that goes into effect on Thursday and bans abortions after 20 weeks of pregnancy. The ACLU sued to stop the law after legislators passed the bill to ban abortions after that period of time except in very rare cases of medical emergency. Full story: www.lifenews.com.

Scientists Continue Trend Toward Adult Stem Cell Research

Two recent developments involving the California Institute for Regenerative Medicine (CIRM) again serve to underscore the reality that adult and other non-embryonic avenues of stem cell research are advancing at a far more dramatic pace toward providing actual therapeutic benefits for patients than is human embryonic stem cell research (HESCR). Full story: www.lifenews.com.

Contact Your Elected Officials

For the name of your U.S. representative or senator, contact your local elections office or call the Federal Citizen Information National Contact Center at 800-333-4636.

For the most recent information about elected national officials, log on to these websites or call the following Capitol switchboard numbers:

Senators
202-224-3121
www.senate.gov

Representatives
202-225-3121
www.house.gov

To contact the White House
Comments 202-456-1111
Switchboard 202-456-1414
Fax 202-456-2461
TTY/TDD phone numbers for hearing impaired only:
Comments 202-456-6213
Visitor's office 202-456-2121

President Barack Obama
president@whitehouse.gov

Vice President Joe Biden
vice.president@whitehouse.gov

Forced Abortion Victims File Complaint Against China's One Child Policy

In the last several years, women who regret their abortions have been active at the UN, telling delegates and bureaucrats how abortion hurt them. Now they are spearheading a coalition that submitted a formal complaint to the UN Commission on the Status of Women against China over its One Child Policy. Full story: www.lifenews.com.

Did You Know?

Registration is open for the 40th Anniversary March for Life and LCMS Life Conference! On Saturday, Jan. 26, 2013, LCMS Life Ministries will host a day-long, pro-life conference in Washington, D.C., the day after the national March for Life on Jan. 25, 2013. 2013 is a significant year since it marks the 40th anniversary of Roe v. Wade.

The conference will feature Lutheran speakers and Christians — some who work on Capitol Hill and are involved in pro-life outreach in the kingdom on the left — who will talk about how to get involved in the public square as an advocate for life, including a special youth track for families and youth groups.

Mark your calendars now and plan to attend this unprecedented LCMS conference for life. Register yourself, your family or your youth group at www.lcmslifeconference.org



Book Review:



Family Vocation: God's Calling in Marriage, Parenting, and Childhood by Gene Edward Veith, Jr. and Mary J. Moerbe

Loving and serving our neighbor in our God-given families — that is the essence of vocation as described in Dr. Gene Veith's new book *Family Vocation*, co-authored (appropriately) with his daughter Mary Moerbe, an LCMS deaconess.

Veith has explored Luther's doctrine of vocation in several other books, including *God at Work* and *The Spirituality of the Cross*. In *Family Vocation*, he and Moerbe take a detailed look at how God calls us to serve our families in our vocations as husbands, wives, mothers, fathers, daughters and sons.

In a culture that celebrates the pursuit of self-happiness and careers, where the redefinition of marriage and family is pushed by liberal social engineers, *Family Vocation* is a must-read for Christians who wish to clarify their understanding of how God works through us in the humblest of ways. But family vocations are more than simply serving our spouse and children. They stem from the foundation of the Gospel — of Jesus' death on the cross for our sins. Christ crucified for sinners is the means through which we are forgiven and restored. Only from that foundation can we live our lives under the cross — with and for our families.

Purchase *Family Vocation* from www.crossway.org.



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Give Now

Planted in Two Kingdoms: *Resources in Print and On the Web*

- **LCMS Life Ministries Life Library.** More than 200 articles on topics including two kingdoms, vocation and Christian ethics are at your fingertips via our new online Life Library. Many articles are lay-friendly, while theological papers offer more in-depth study. All are free and easily downloadable. Visit www.lcms.org/lifelibrary and particularly the “Procreation Issues” page for in-depth resources on procreation and birth control issues.
- **lcms.org/hhsmandate** is a comprehensive resource for the LCMS response to the health-care mandate, including videos, statements and news releases by President Harrison and The Lutheran Church—Missouri Synod.
- **Conscience Cause** (<http://consciencecause.com>) is a nonprofit, non-partisan, public policy advocacy organization comprised of leaders from various faiths united to preserve our constitutional rights of conscience. They act by petitioning the federal legislature to bar any regulation that would compel religious institutions, as well as individuals and corporations, to violate the tenets of their faith or be subject to penalty of law. President Harrison serves on the board of this organization.
- **A Small Catechism on Human Life** by Concordia Theological Seminary, Fort Wayne, Professor John T. Pless is available from Concordia Publishing House at www.cph.org
- **Lutheran Pastors and Politics: Issues in the Public Square** by Jeff Walz is available from Concordia Publishing House at www.cph.org
- **Good and Bad Ways to Think About Religion and Politics** by Dr. Robert C. Benne is available at www.amazon.com