

## RELIGIOUS FREEDOM, RELIGIOUS FAIRNESS

*(Based on a column originally published in July 2014)*

The folks who run Hobby Lobby (which apparently is in fact an evangelical Christian ministry, cleverly disguised as an ordinary craft store) took out a full-page ad in the papers recently, touting the notion that the United States was intended from the outset to be a “Christian nation” (whatever *that* is supposed to mean – but that’s a whole ‘nother pamphlet).

I suppose they were reveling in the heady feeling of victory, following the Supreme Court decision that recognized their right to apply their religious beliefs to the benefit package that they offered their employees. Many liberals and progressives were upset by the decision, but not me.

*It was just the opening I’ve been waiting for.*

You’re probably aware that members of the Religious Society of Friends (“Quakers”) like myself are pacifists, and oppose military spending. You might not know that some Quakers (and members of other “peace churches,” like the Mennonites and

Brethren) take this matter so seriously that to avoid paying for war they withhold some or all of their Federal taxes – with all the consequences that you might expect, ranging from stiff penalties and garnishment of wages to actual imprisonment. (It’s called “War Tax Resistance”; to learn more about it see [www.nwtrcc.org](http://www.nwtrcc.org), or visit [www.warresisters.org/wtr\\_menu.html](http://www.warresisters.org/wtr_menu.html).)

War Tax Resistance takes a lot of courage, and I salute those who have pursued that path – but really, we shouldn’t have to resort to it. American law has long recognized the right of citizens to refuse to participate directly as a combatant in war, when that refusal is based in religious or moral belief (you may heard the phrase “conscientious objection”). I maintain that we should also be able to refuse to participate indirectly as well – by mandating that our tax contributions not be spent on any government activity that violates such beliefs.

This should be a principle that transcends denomination, though – that is to say, it’s not just for us peaceniks. *Conservatives have a similar right* – and it is precisely that right that the Supremes have brought to the fore in the Hobby Lobby case.

So what I want is simple enough. All taxpayers should be able, by means of a simple checkbox on the tax form, to tell the government where *not* to spend our tax contributions. For me, that means defense; but for a conservative Catholic, that might mean, say, family planning.

I don’t know how far people might go in this regard. Would an orthodox Jew or Muslim, for example, object to paying for pork subsidies? Would Hindu or Buddhist vegetarians prefer to not support the USDA meat inspection program? But it’s not our place, *or the place of the government*, to judge the sincerely held beliefs of others. Religious freedom, right?

Please note a couple of things. My proposal would not affect actual collections or expenditures at all. (The small-government people don’t like this part.) The same amount of tax would be paid, and money would be spent as Congress appropriated; the money would just be drawn from different “buckets.” It’s a mere matter of bookkeeping, one well within the capabilities of current systems. (Indeed, we do something similar already with the Presidential Campaign Fund check-off.) It would also not affect an individual’s overall tax liability, and it

says nothing about the legitimacy of the government's right to levy and collect taxes. (This is the point in my argument where the anti-tax activists get disgusted and turn away.)

Finally, this right would not be a trivial thing to claim. Conscientious objectors to military service have traditionally had to go through a fairly rigorous process of documenting their beliefs, and I think a similar process should apply here as well.

I doubt that legislation to implement such a proposal would be passed, so I'm thinking a lawsuit would be the way to proceed. A class action against the Department of the Treasury and the IRS, to be exact, seeking nothing more than the provision of this mechanism.

So, if you're a lawyer with experience in tax law and/or religious freedom issues, or if you know someone who is, or if you'd like to be part of the class, or if you have any suggestions or reactions to my idea, drop me a line, would you please? My email is skip.mendler@gmail.com, or you can contact me through the CITIZENS CREATIVE website.

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**by Skip Mendler**



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