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## The Johnson Amendment Paradox

In 1954, Senator Lyndon Johnson added a few lines to the Federal Tax code that was signed into law by President Eisenhower. The so-called “Johnson Amendment” forbade any 501(c)3 non-profit organization or religious organization from endorsing a candidate in any election or endorsing or condemning any specific piece of legislation. The motivation of the amendment was to prevent a means of massive amounts of money flowing to political campaigns, laundered as tax deductible charitable donations. The amendment was included in the 1986 tax reform bill and was not considered controversial. However, in recent years repealing the Johnson Amendment has become a goal of some religious groups and some politicians. In 2017, the House of Representatives included a repeal of the Johnson Amendment in their version of the new tax bill.

Why is it that an uncontroversial piece of our tax code has become controversial? The Johnson Amendment is seen as a law that stifles the voice of religion in American life. Religious citizens will have political opinions that are informed by their religious values, which they wish to express as a religious community. The Johnson Amendment codifies into law a conception of religion that is separate from politics and public life and many religions chafe at that limited conception.

The above notwithstanding, the potential repeal of the Johnson Amendment catalyzed a large coalition of religious and civil rights organizations to come together in defense of the amendment. They argued that the repeal of the Johnson Amendment would put religious congregations at risk. Specifically, a congregation that wanted a zoning variance or some other municipal service, could be made to feel that their receipt of city services was dependent on endorsing a mayoral or city council candidate.

Furthermore, diverse congregations like our own could be torn apart as different factions within the congregation fight over which politician would receive the official endorsement of the congregation prior to a close or fraught election.

In the final version of the 2017 tax legislation, the Amendment was retained. But there is still a lot of leeway to speak about current political issues, so long as one avoids endorsing a candidate or piece of legislation. There are, however, constraints on what it is wise to say, and I want to briefly share with you some of my own process for deciding what to say or not say in a *drasha*. I’m taking a few minutes to share these thoughts with you for two reasons. The first reason is that next Saturday night, our intern Daniel Atwood and I will be having a conversation about this very topic at the home of Bennett Kaplan and Faye Kroshinsky. It will be an interesting conversation and I hope many of you join us. The way that rabbis handle controversial or divisive partisan topics in synagogue communities is something that I have thought about for many years and something that I continue to rethink and revisit.

And the second reason why I want to share these thoughts with you is that in the past two weeks I’ve received several complaints for not saying anything in public about the American recognition of Jerusalem as Israel’s capital.

These are three considerations that weigh heavily as I decide what to speak about:

First, ASBI members do not need me to read the newspaper to them or interpret it for them. A century ago, this was not true. Our immigrant grandparents needed a rabbi, often the individual in the congregation with the most extensive \*secular\* education, to explain current events. None of you need me to explain the world to you.

Second, I try to say something that has value-added from my study of Torah. I hope that what I say in shul emerges from the Torah that I studied that week. That is the contribution I can make more than what you might read elsewhere.

Finally, I recall the words of one of my rabbinic heroes, Rabbi Micky Rosen, who said one evening at his shul in Yerushalayim that he always spoke about politics whenever he perceived his shul as being too crowded. It was the surest way to get half of his congregation to leave in anger, clearing up needed seats in his packed shul. We don't face that challenge here. Israel and love of Israel is core to our mission as a shul, but I strive to speak about Israel in a way that reflects our common love for Israel and builds on that consensus. The recent news about Jerusalem divided members of our own community. Some of us, who love Israel very much thought it was a great thing. Some of us who love Israel very much thought it was not.

I have spent many a Shabbat morning, sitting through a *drasha* that offended me deeply and upset me profoundly. I don't want to inflict that on anyone here. If you want to know my opinions on any topic, ask me, and I'll probably tell you. And as some of you have discovered, I'm far more open about my opinions when teaching or speaking to a non-captive audience. I will sometimes say things that are controversial or that some of you vociferously disagree with. But I hope to limit those times to occasions when I have something unique to share to the conversation.

Yaakov also faces constraints on his speech in this parasha. When he calls his children to gather around him on his death bed he declares that he is going to reveal what will occur to them in the “end of days.”

וַיִּקְרָא יַעֲקֹב אֶל־בָּנָיו וַיֹּאמֶר הֲאִסְפוּ וְאֶגִּידָה לָכֶם אֵת אֲשֶׁר־יִקְרָא אֲתֶכֶם בְּאַחֲרֵית הַיָּמִים:

“And Jacob called his sons and said, ‘Come together that I may tell you what is to befall you in the end of days.’”

That isn't what happened. Rashi says that after this dramatic opening, Yaakov's prophetic powers abandon him:

וְאִגִּידָה לָכֶם בְּקֹשׁ לְגִלוֹת אֵת הַקּוֹץ וְנִסְתַּלְקָה מִמֶּנּוּ שְׂכִינָה וְהִתְחִיל אֹמֵר דְּבָרִים אַחֲרִים

Yaakov was not able to convey practical information about the end of days, about the unfolding of history to his children. He couldn't reveal any practical tips about what political alliances could help the Jewish people survive Pharaoh's hatred. He couldn't tell them which policy our future kingdoms should adopt to guarantee success.

Instead he gave them ethical critique, words of encouragement, and offered statements about who his sons were as individuals in ways that could sustain them in the absence of their father. They did not receive practical guidance, but they received something even more valuable. They received information about their core identity. They received guidance on what should matter to this family. They learned about the courage and integrity and audacity that was inherent in who they were. They learned about the weaknesses that constrained them and that they would need to overcome. Yaakov's final message to his children was perhaps, so much more important and crucial than the prophetic message that he did not give about what would occur in the future.

Yaakov does something else at the end of his life. Right as our parasha begins, he imposes an oath on his son Yoseph and entreats Joseph to pledge that he will bury Yaakov in Eretz Yisrael and not in Canaan. This is a mirror image of Avraham imposing an oath on his servant that he find an appropriate wife for Yitzhak - not from Eretz Yisrael. The first patriarch and the last patriarch impose oaths as their deaths approach. One oath concerns an appropriate spouse who can be the mother for the progeny of the Jewish people. The second oath, Yaakov's oath, concerns his own burial and a connection to the past. One oath sent the servant away from Eretz Yisrael, the other oath sent the oath-taker back to Eretz Yisrael.

By sending his servant away from Eretz Yisrael, Avraham ensured that his son Yitzchak could find a wife who would keep the Jewish project alive for future generations. By insisting on burial in Eretz Yisrael, Yaakov ensured that his grandchildren and great-grandchildren, those who were born and would be born in Egypt, would have a tangible connection to Eretz Yisrael.

Being told that our ancestors lived in a certain spot will not create identification with that land. Learning that something happened a long time ago will not automatically be relevant to people making decisions about where and how they will live today. We can see that in failed Israel education all across this country. My apartment building in Chicago is older than almost every single building in the State of Israel. Israel is an ancient land but a very new country. Identification is created by forging new memories and by reliving and sharing the stories of our ancestor's commitment to the land of Israel.

How we marry, and how we raise children is an existential issue that determines what future our people will have. How we are buried is a statement about our beliefs. Making it clear to our friends and community and to our families how we wish to be buried and mourned is a profound way to share our deepest commitments and beliefs to those whom we love and respect.

In honor of Yaakov and Yosef, who each make living-wills concerning their burials in this week's parasha, we are dedicating this Shabbat, along with dozens of other shuls in North America, as a Shabbat at which we will raise the unpleasant topic of taking steps to ensure that we each have a Jewish burial. A Jewish burial affirms belief in the special role, and even sanctity, of the human body, as the temporary house of the human soul. Jewish burial expresses that, however we may have lived, we wish to be remembered for eternity among the Jewish people.

Just like Yaakov, for us too, informing our children or our community that we wish for a Jewish burial, can be part of the spiritual legacy we leave behind.

Sometimes it's better not to speak about politics, because we have more important things to discuss when we come together. Rabbi Aharon Shmuel Tamaras, a Lithuanian Orthodox rabbi and pacifist was moved to pacifism by a realization that the truest path to changing the world was by changing himself. Political activists and revolutionaries only replaced one form of oppression with another. Humanity needed to change before the world could be different and that could be accomplished in a small shul in a small town just as easily in a great capital city. There is a bit of that position in Yaakov's final message to his children. He taught them about themselves rather than inform them about the world.

We need information and we need education about the world. We need to be involved in activism and we need to be involved in politics. But we also need to cultivate our characters and form communities that can be crucibles of character development. That requires taking a step away from the world and its unfolding future, and devotion attention within ourselves. Yaakov's final message to his family might be a good place for us to learn how to start our own journeys.