

**STATEMENT ON SENATE BILL 1091
FREDERICK COUNTY: RELIGIOUS CORPORATIONS: RETENTION OF
ASSETS BY LOCAL CHURCHES
Before The
JUDICIAL PROCEEDINGS COMMITTEE
Thursday, April 1, 2010
1:00 P.M.**

Chairman Frosh, Vice Chair Gladden and Members of the Committee:

I, Erika Cole, stand before you today, representing Sunnyside Church, a religious corporation located in Frederick County, Maryland. Thank you for giving me the opportunity to speak here today regarding this Delegation Bill.

I am here to testify regarding the great significance of this Church and its property both to Frederick County and the State of Maryland. Sunnyside Church is located in the community created as Sunnyside, also now known as Mountville, and is one of the first communities established by former slaves of the Civil War. Understandably, one of the goals of the newly freed slaves was to be able to cultivate their own community where they could enjoy the benefits of an emancipated people. These freed slaves looked forward to what many people take for granted today; the right to own their own land, the right to educate their children; the right to acquire possessions and pass them down to their families. Now, due to an antiquated, outdated statute in Maryland, the descendants of these first freed slaves stand to lose one of the only remaining ties they have to their brave ancestors; their land.

In 1976, several laws were passed in Maryland; including but not limited to, additions to the Maryland code dedicated to religious corporations. One of the sections added granted the United Methodist Church uncontested authority over individual property rights. This section, passed in 1976, provides that any Church that has any affiliation with the Methodist movement, even prior to its inception in 1968, is subject to strict property laws. These laws effectively suffocate a local Church's ability to make its own religious decisions while maintaining title to its property. If a Church, affiliated with the Methodist movement decides on its own volition to leave the Methodist movement for religious reasons, they are penalized by the denomination taking all personal and real property of the local church. There are no restrictions on what the United Methodist Church does with the land it receives from local churches that disaffiliate in Frederick County. A sad example is that of a local church in Maryland which disaffiliated from the parent denomination, and was compelled by state law to turn over title to their real and personal property to the United Methodist Church. The land was sold to local pig farmers. The gravesite was unkempt, overgrown with foliage, and the church buildings were desecrated when converted to pigpens and feeding houses.

However, a Garrett County exemption exists as it relates to the current law. In 1976, a church in Garrett County approached then Delegate DeCorsey Bolden with the same circumstance as Sunnyside Church. The members of an Evangelical Church in McHenry

Maryland were in a position to have title to their property seized by the United Methodist Church due to the merger of the Evangelical Church and Methodist Church into the United Methodist Church, and the passage of the new state law. According to Delegate Bolden, the Church members had built the Church with their own hands, and did not receive any assistance from the parent denomination known as the United Methodist Church. Delegate Bolden introduced the bill to the senate, and it passed without testimony. The statute was local, and righted a wrong that now affects Frederick County as well. While Delegate Bolden, now 86 years old, was not able to travel here today, he has willingly spoken with our office, and has expressed his willingness to speak with you.

The power the denomination has over property in the State of Maryland is even greater than that of the State. This denomination can seize all of the assets of a local disaffiliated Church without question or compensation. With the way the statute currently reads, the legislature is providing the Church with the legal authority to do this. Today you have the opportunity to right this wrong.

Because of this statute, Sunnyside Church is in a legal battle to hold onto their historic property. Sunnyside Church is made up of approximately 30 members, and the Church, its Pastor, and Trustees have been sued by the United Methodist Church and the Baltimore-Washington Conference who are trying to take this property from the local church. The Sunnyside United Methodists Church and Church members are being sued by the Baltimore-Washington Conference of The United Methodist Church, Inc., a worldwide organization, with approximately 8,000,000 lay-members in the United States alone.

The members of this small family Church can trace their familial lineage to persons who helped establish the community known as Sunnyside. Adjacent to the Church is the gravesite where many of their ancestors are buried. Members of the Veteran Affairs Administration are in support of Sunnyside Church because of the many veterans that are buried at the Church and cared for by its members.

The Attorney General's Opinion, dated March 30, 2010 concludes by stating "Therefore, I do not believe that Senate Bill 1091 violates either Article 36 of the Maryland Declaration of Rights or the First Amendment to the United States Constitution". However, the sole concern was that the Bill, in its original draft named Sunnyside Church specifically. An appropriate amendment to the Bill would reflect the following, which mirrors the Garrett County statute §5-328 of the Corporations and Associations Article of Annotated Code of Maryland:

Frederick County- Religious Corporations- Retention of Assets by Local Churches: As to any local Church in Frederick County that was affiliated formerly with the Methodist Episcopal Church and that withdraws from The Baltimore-Washington Conference, this part does not prevent the local church from retaining title to any assets controlled by it.

Maryland law now expressly holds that any affiliation with the Methodist *movement* grants the United Methodist Church priority over the title holder on record of that property. The law “reaches back” and seizes property from entities and individuals who were affiliated with the Methodist Movement at one time, and no longer want to belong to the larger denomination; the United Methodist Church. The United Methodist Church did not even exist until 1968. In 1968, the Evangelical United Brethren Church merged with the Methodist Church to form what we know today as the United Methodist Church. Between the time Sunnyside Church was established in the late 1800’s until the formation of the United Methodist Church in 1968, the Methodist Movement had divided into at least seventeen different factions. The formation of the United Methodist Church in 1968, reflected a “catch all” merger, with the parent denomination “scooping up” all those Churches that used the name “Methodist” in their title. With that merger came the application of the principles of the United Methodist Church to all of the differing Methodist and Evangelical churches the newly formed United Methodist Church absorbed. Due to this merger, the Garrett County Church, referenced earlier, became aware their property was in jeopardy of being seized by the newly established United Methodist Church. They sought relief in the legislature, much like Sunnyside Church does now, to protect their assets they worked so hard at obtaining.

The notion that in 1896, these six families of newly freed slaves, dedicated to establishing a community for their family, could foresee that the Church and school they formed would some seventy-years later be absorbed into a religious conglomerate that stripped their heirs of their property rights is absurd. In 1968, when the United Methodist Church was formally created, no “memo” went out to all the Churches alerting them to this change. The members of this Church were never given an opportunity to make their own decision as to how they would continue to worship and live on the property of their ancestors.

The Baltimore-Washington Conference lay dormant related to Sunnyside Church, until it heard Sunnyside was leaving. The United Methodist Church awoke from its slumber, and suddenly became interested in this one acre tract of land the Maryland State Department of Assessment and Taxation assesses at \$150,000.

You can help right an obvious wrong today by voting yes for HB 1554, a Frederick County delegation bill that mirrors an existing statute in Garrett County, and helping to ensure that Sunnyside can keep its small Church that that their ancestors acquired over 100 years ago.