

Written Testimony of John K. Van De Weert, Chancellor of the Episcopal Diocese of Washington, in Support of HB0391, entitled “Corporations and Associations – Protestant Episcopal Church, Diocese of Washington”

I serve as the Chancellor of the Episcopal Diocese of Washington, more formally called the Convention of the Protestant Episcopal Church of the Diocese of Washington. As Chancellor, I am the legal advisor to the Diocese and its Bishop. The Episcopal Diocese of Washington is composed of 86 Episcopal congregations, including 51 Episcopal parishes located in the Maryland counties of Charles, Montgomery, Prince George’s, and Saint Mary’s.

The Episcopal Church has long roots in Maryland, and some of our parishes were first organized before the Revolutionary War. In the 1790s, Maryland adopted a statute called the “Maryland Vestry Act” to govern Episcopal parishes. That statute still applies to the Episcopal parishes in the Episcopal Diocese of Washington.

There are two other Episcopal Dioceses in Maryland – the Diocese of Maryland and the Diocese of Easton. The parishes in those Dioceses were previously subject to the Maryland Vestry Act. However, that status changed in 1976 for the Diocese of Maryland and in 1990 for the Diocese of Easton. In 1976 and 1990, the Maryland General Assembly enacted bills to repeal the Maryland Vestry Act as applied to those Dioceses, and to make the Episcopal parishes in those Dioceses subject to the Religious Corporations article in the Corporations and Associations law – the same treatment as applied to churches in other denominations.

We are now asking the General Assembly to enact HB0391 to make this same change for the Episcopal churches in the Episcopal Diocese of Washington. HB0391 is modeled on the bill text enacted in 1976 and 1990.

This change will be a great help to the parishes in the Episcopal Diocese of Washington. Under the Maryland Vestry Act, parishes do not have articles of incorporation or charters filed with the State Department of Assessments and Taxation. Rather, parishes are created and exist solely by action of the Diocese. This creates challenges when parishes need to provide their governing documents to banks (when opening bank accounts), grant-making organizations, and other third parties. Recently, several of our parishes have been unable to open bank accounts or apply for grants because of this status.

In addition, HB0391 will repeal provisions of the Maryland Vestry Act that are obsolete, providing some very specific provisions about ecclesiastical matters that are not in accord with modern understanding of the separation of church and state.

For all of these reasons, I urge the Committee and the General Assembly to enact HB0391.