

March 21, 2025

Most honorable members of the Maryland House of Delegates Economic Matters Committee,

Thank you for the opportunity to provide written testimony regarding SB0586. I write to encourage you to support and give a favorable report to SB0586 which seeks to repeal the United Methodist Church's Trust Clause from Maryland law.

I ask you to support and give SB0586 a favorable report because I believe that the codification of the United Methodist Church's Trust Clause into Maryland law is unconstitutional. I believe the codification of the United Methodist Church's Trust Clause into Maryland law is unconstitutional because, in violation of both the Establishment Clause of the First Amendment and the principle of separation of church and state, it codifies a religious/theological provision (i.e. the United Methodist Church's Trust Clause) into secular law (i.e. Maryland law). It is also consequential that other notable groups (e.g. The Maryland chapter of the American Civil Liberties Union, Secular Maryland, et. al.) have recognized and previously provided testimony to the same as well.

How do I know that the United Methodist Church's Trust Clause is a religious/theological provision? Two ways, namely its origin and its intent/purpose.

As to its origin: the origin of the United Methodist Church's Trust Clause that has been codified into Maryland law is the United Methodist Church's Book of Discipline which, along with everything therein, is of an intrinsically religious/theological nature just as the Baltimore-Washington Annual Conference of the United Methodist Church itself has argued before Maryland courts on numerous occasions and as the Honorable Judge Michael Malone of the Anne Arundel Circuit Court has also recognized and accepted in his recent summary judgment ruling issued on October 11, 2024 in favor of the Baltimore-Washington Annual Conference of the United Methodist Church (cf. *The Methodist Church of Cape St. Claire, et. al. vs. The Baltimore Washington Conference of the United Methodist Church, et. al.*, case number C02CV23000500). Moreover, if the Baltimore-Washington Annual Conference of the United Methodist Church arguing before the court that courts are barred from even looking at and considering the United Methodist Church's Book of Discipline for the sake of court rulings precisely because the United Methodist Church's Book of Discipline and everything therein is of an intrinsically religious/theological nature and their insistence to the Maryland legislature that it is wholly appropriate to codify the United Methodist Church's Trust Clause into Maryland law is not an instance of trying to have one's cake and eat it too and speaking out of both sides of the mouth, I simply do not know what is!

As to its intent/purpose: as any student/scholar of Methodism worth their salt will know and acknowledge (including those who represent the Baltimore-Washington Annual Conference of the United Methodist Church), the intent of United Methodist Church's Trust Clause is, at least in part, precisely to serve as a theological enforcement measure. That is, the very purpose of the United Methodist Church's Trust Clause is to ensure that local congregations of the United

Methodist Church are preaching, teaching, and practicing in accordance with and not deviating from official United Methodist theology, doctrine, and practice. Historically, Methodist Conferences have invoked and carried out the Trust Clause on local congregations in order to take possession of local congregation properties when the Methodist Conferences had determined that local congregations were preaching, teaching, and practicing in a manner inconsistent with United Methodist theology, doctrine, and practice. Given this explicit theological purpose of the United Methodist Church's Trust Clause, by codifying it into Maryland law, the state is, to some degree, participating in the United Methodist Church's interest of upholding and enforcing its theological doctrines. Indeed, even the Baltimore-Washington Conference's own Chancellor Thomas Starnes seemingly recognizes that the current law serves a theological purpose and participates in the theological interests of the United Methodist Church. In his written testimony on behalf of the Baltimore-Washington Conference of the United Methodist Church to the Maryland Senate's Judicial Proceedings Committee in opposition to Senate Bill 586, Starnes writes that §§ 5-326 and 5-327 - which are those sections of Maryland law containing the United Methodist Church's Trust Clause - "...serve the.... purpose of accommodating the longstanding, doctrinally rooted principle of United Methodist church governance..." (italics and underline added). [Chancellor Starnes has also testified that codification of the United Methodist Church's Trust Clause into Maryland law effectively keeps the United Methodist Church from functionally becoming a congregationalist denomination. This is simply not true as there are many non-congregationalist denominations operating in Maryland which do not have any similar church laws codified in Maryland law (e.g. The Presbyterian Church of America, The Anglican Church of North America, etc.)] I believe that the state participating in and getting into the business of upholding and enforcing religious/theological doctrines is an obvious violation of both the Establishment Clause of the First Amendment and the principle of separation of church and state.

For the reasons I have articulated above, I believe that the United Methodist Church's Trust Clause should be repealed from Maryland law. Accordingly, I hope you will both support SB0586 and give it a favorable report.

Blessings,
Jennifer Thomas,
Resident of Anne Arundel County, Maryland