



Testimony for the Senate Judicial Proceedings Committee

February 13, 2025

SB 586 – Corporations and Associations – Methodist Church Trust Requirement – Repeal

FAVORABLE

DARA JOHNSON
INTERIM POLICY
COUNSEL

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL
ROAD
SUITE 200
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND
DIRECTORS
HOMAYRA ZIAD
PRESIDENT

DANA VICKERS
SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland supports SB 586, which would repeal provisions under Sections 5-326 and 5-327 of the Corporations and Associations Article of the Maryland Code. These provisions currently require that all assets owned by any local Methodist church—including unincorporated or abandoned churches, or certain other affiliated churches—be held in trust for the United Methodist Church. This may even apply if no trust clause existed in any deed or other conveyance executed by the local church prior to the implementation of this legislation in 1953.

These statutory provisions appear to codify a religious rule from the Book of Discipline of the United Methodist Church requiring that “All properties of United Methodist local churches and other United Methodist agencies and institutions are held, *in trust*, for the benefit of the entire denomination, and ownership and usage of church property is subject to the *Discipline*.”¹ We understand that, as a result, local churches seeking to disaffiliate from the United Methodist Church denomination have sometimes been subject to heavy costs and other trust-related limitations that have impaired their ability to use their assets toward freely exercising their separate religious beliefs.

We support SB 586 as a means to disentangle the state from prescribing the conduct of one specific religious group, and to allow such groups to determine their affiliation or disaffiliation without government interference. The separation of church and state is a fundamental

¹ The United Methodist Church. (2024). *The Book of Discipline of The United Methodist Church 2020/2024* (Chap. 6, Sec. 1, ¶ 2501). The United Methodist Publishing House. https://issuu.com/cokesbury/docs/the_book_of_discipline_of_the_united_methodist_ch_u?fr=xKAE9_zU1NQ.

element of both our national and state constitutions, as it is not the role of the government to interfere with or preference a particular faith.

While churches, like other organizations, may engage in legal relationships, financial transactions, or property disputes that can be subject to certain state rules and procedures, maintaining a law that preemptively dictates the internal structure of only one particular religious group goes far beyond the state's neutral role. SB 586 would remedy this overreach, and help ensure the state does not become enmeshed in ecclesiastical governance.

For the foregoing reasons, we urge a favorable report on SB 586.