

Protestant groups join Episcopal fight over church properties: Sixteen denominations

News in the [June 17, 2008](#) issue

Sixteen Protestant denominations and regional districts have joined a friend-of-the-court brief supporting the Episcopal Diocese of Virginia in contesting a Reconstruction-era state law that governs church splits.

The post-Civil War splintering of Methodist and Presbyterian churches in 1867 prompted the Virginia law, which allows congregations to keep their property when seceding from a church or “religious society” that’s dividing. But the United Methodist Church and the Presbyterian Church (U.S.A.), two of the largest U.S. mainline Protestant denominations, say the law is unconstitutional.

On May 16, a judge in Fairfax County, Virginia, ruled that the UMC, the African Methodist Episcopal Church, the African Methodist Episcopal Zion Church and the Worldwide Church of God may participate in oral arguments May 28 over the law’s constitutionality.

The amicus curiae brief is a sign of how closely some Protestants are following the multimillion-dollar battle between the Episcopal Church and 11 conservative congregations that left to join a branch of the Anglican Church of Nigeria.

What began as a tussle over the Episcopal Church’s liberal stance on homosexuality has become a contentious legal fight over church property. The Protestants’ amicus brief says the law draws “civil courts into a theological thicket” and favors congregational-based denominations over hierarchical churches.

The Episcopal Church, the UMC, the PCUSA and other denominations argue that local congregations hold property—from the stained glass to bank accounts—in trust for the denomination. Their hierarchical structures, they say in the amicus brief, are religiously based, and civil courts have no business resolving “fundamentally

religious questions.”

The General Conference of Seventh-day Adventists and Virginia-area districts of the Evangelical Lutheran Church in America and the Church of the Brethren have also joined the amicus brief.

Virginia attorney general Bob McDonnell and lawyers for the Congregation of Anglicans in North America (CANA), the umbrella group of breakaway churches, will defend the law in the oral arguments.

Jim Oakes, cochair of the Anglican District of Virginia, which is part of CANA, said Protestants’ concerns are not relevant to the lawsuit. “It’s almost like they’re hyperventilating, saying, ‘This will destroy hierarchical churches,’” he said. “It will do nothing of the sort.”

The property dispute is expected to take years to settle. Oakes said CANA has already paid \$2 million in legal fees. *-Religion News Service*