

Virginia judge sides with breakaway churches: Upholds Civil War-era law

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A Civil War-era law that lets Virginia churches keep their property when leaving a denomination where a “division” has occurred is constitutional, a county judge has ruled, siding with 11 former Episcopal parishes.

Fairfax County judge Randy I. Bellows’s ruling on the 1867 law stops short of awarding the property to the parishes, but it hands them a major legal win.

“It’s a resounding victory and very broad,” said Steffen Johnson, lead counsel for several of the congregations. “There are just a few loose ends to tie up.”

Though state laws on church properties vary, the June 27 ruling could give hope to the dozens of Episcopal parishes in similar court battles across the U.S. and shake the confidence of mainline Protestant denominations that fear losing churches and people to breakaway groups. Several other denominations have filed friend-of-the-court briefs in support of the Episcopal diocese.

An October trial is scheduled to decide the remaining legal issues, which concern church deeds and property that predate the 1867 law. The Episcopal Church and the Diocese of Virginia argued that the law infringes on their First Amendment rights to practice religion without government interference.

The diocese signaled that it may appeal the ruling, saying it would “explore fully every option available to restore constitutional and legal protections for all churches in Virginia.”

The 1867 law allows churches that are part of a denomination in division to keep their property when they decide which side to join.

In a 49-page ruling, Bellows wrote, “While it is true that [the law] requires the court to make factual findings involving religious entities, each of those findings are secular in nature.”

Bellows asserted in April that a “division of the first magnitude” has arisen in the worldwide Anglican Communion and its U.S. branch, the Episcopal Church.

Angered over the consecration of an openly gay bishop in New Hampshire, the breakaway churches—including several large, historic parishes—have joined the more conservative Anglican Church of Nigeria.

Episcopal leaders hold that local church property is held in trust for the diocese and the denomination. People may leave, they say, but the steeple stays. -*Religion News Service*