

EXPLANATION OF TRUST CLAUSE FOR CHURCH BUILDING OWNERSHIP

By Mary Logan, General Counsel
The General Council on Finance and Administration
May 1998

"What do you mean, we don't own our church? We built it with sweat equity and funds raised the old fashioned way. Our name is on the deed. Have you lost your mind? Of course we own it!"

How many times have you heard this, or something like it, from well meaning United Methodists, from Disgruntled United Methodists, and from persons who want to be called former United Methodists? It is rarely spoken in Christian love. It is always spoken with a lack of understanding of the "trust clause" and the core polity of the United Methodist denomination.

In order to understand the denomination's polity about church property, it is helpful to understand two important terms: conferencing and itinerancy; terms used frequently in the vocabulary of theologians (as the rest of us scratch our heads in confusion or wonder).¹

Conferencing is a wonderfully simple and yet richly complex term used in many contexts in the denomination. Loosely speaking, the conference is a group of persons and/or churches that have covenanted to be in ministry with one another: the charge conference; the annual or central conference; the General Conference. More formally, conference refers to a body of clergy and laity that exercises certain legislative, judicial and executive functions for the body. The term also is used in the context of time (from conference to conference), geographical areas (the number of charges in an annual conference, etc.), and as a method of discussing Christian issues to discern God's will from the collective wisdom of a group. All of these uses of the term conference are fundamental to the polity of this "connectional" denomination.

Itinerancy of course refers to the traveling preachers, the appointment of clergy by the bishop to wherever their gifts are best used to meet the needs of the ministry. A visual image of the circuit rider comes to mind.

So, you ask, how in the world do these two terms relate to our ownership of our church? Conferencing and itinerancy as core concepts of United Methodist polity make clear that we are not a congregational church, but rather a connectional church: we are "connected" to one another through conferencing and itinerancy, on a journey together in connection and in covenant with one another. The trust clause further bears this out. John Wesley created a model deed (transported to America by Thomas Coke), to protect the security of the "preaching house," as a place for the itinerant pastor to serve and followers to worship. Wesley's rationale for this model deed was, as follows:

*The chapel shall not be the private property of the trustees; and that if any of these trustees should change their sentiments, or from any other cause should be inclined to give the occupation of the chapel to some other party of professors of religion, they shall not have power to do so only so as to secure it in perpetuity for the purpose for which it was built.*²

Thus, conferencing, itinerancy and the trust clause are woven together as a part of the quilt that defines Methodism as a connectional, not congregational, Church. Yes, the local church has its name on the deed and legally "owns" the property, and the local church trustees are responsible for that property. However, the ownership is in trust for the future of United Methodism, as a part of the covenant relationship that every United Methodist has with one another.

¹ For those who are theologians, experts on United Methodist history, or prefer to speak with precision •• and for those who may want to take what I say literally.. I beg your indulgence as I speak conceptually and not with precision, in an effort to teach and assist those who do not understand the trust clause and have neither the time nor the inclination to study Methodist history.

² Quoted in "Mr. Wesley's Trust Clause: Methodism in the Vermont," by Rev. John Topolewski, at pages 8-9, quoting from Portraiture of Methodism. or. The History of the Wesleyan Methodism. by Jonathan Crowther (London: Richard Edwards. 1815) at 308. Wesley also stated the notion like this: "Properties cannot be alienated from their original intent and are not subject to the theological or ecclesiastical fancies of local leadership." Topolewski, at page 12.

Local church conflicts over ownership of local church property are as old as the Church. For example, in 1820, the John Street Church in New York City faced a crisis when the local trustees adopted a policy regarding property and pastoral compensation which differed from that of the annual conference; the New Haven Methodist Church experienced discord in the 1820's, when church members were angry with the dismissal of a lay member who had been accused, wrongly they felt, of dishonesty. Think back to a more recent time of the civil rights era in the 1960's, when schism was a constant threat based on intense feelings about racial separatism and equality.

Dare I ask where we would be today as a strong denomination with historic and cultural ties and traditions, had John Wesley and Thomas Coke not had the foresight to protect the preaching house for Methodists to use for time immemorial? How many churches would be left in the denomination if ecclesiastical "divorce" were easy? Are we not all thankful in 1998 that we stuck it out during troubled times, even if the only reason at the time, in the heat of our passionate anger about an issue, was because we couldn't "take the property and run?"

The trust clause is a constant reminder that our ancestors have en-trusted us with local church property, to nurture and grow toward the common goal of inviting, teaching and sending Christians to do God's work. "Our church" is foundational to the Christian faith: we are the temporary custodians of resources that ultimately belong to God. It is indeed a sacred trust, not only for us but for future generations. We fail to honor this sacred trust when we individually think that we alone know best how these valuable resources should be used.

So, what does all of this mean? When you drive by a United Methodist church in another town, state or country, you can proudly say "that's my church! " Who owns it? The local church is the legal owner and custodian of the property, acting through its trustees. But, thanks to John Wesley, and regardless of how the deed is written, the local church holds the property in trust for you and future generations of United Methodists. Let us give thanks!³

United Methodist Churches, Conferences and agencies may freely distribute or reproduce this paper, provided it is reproduced without alteration.
Copyright 1998 Mary Logan. All rights reserved.

³ The author gratefully acknowledges the background sources that were invaluable in preparing this piece: The 1996 Book of Discipline, 2501, 2503; The 1992 Book of Discipline 1112; Tuell, Jack, The Organization of The United Methodist Church (Abingdon Press, Revised 1997-2000 Ed); Richey, Russell, The Methodist Conference in America (Abingdon Press, 1996); Topolewski, John, "Mr. Wesley's Trust Clause: Methodism in the Vernacular," and Campbell Marshall, Linda "The Conference Owns Our Church(?)"