

If there is a divorce, who gets the church?

Weeks away from the 2019 General Conference, some of the dust has settled over what petitions delegates will vote on as they peer into the future for The United Methodist Church.

Several of the remaining petitions focus on who keeps church property if there is a split in the denomination over the issue of inclusion or exclusion of LGBTQ persons.

The Committee on Reference cleared all the [48 petitions in the Commission on a Way Forward report](#) and petitions related to [The Simple Plan](#) and the [Modified Traditional Plan](#).

That leaves [30 other petitions which the commission ruled "in harmony"](#) with the Council of Bishop's call for the legislative gathering in St. Louis on Feb. 23-26.

Five petitions contain proposals for a "graceful" or "gracious" exit that would put the church's trust clause on hold while churches and members decide whether they can live with a church that includes or excludes homosexuals as clergy, bishops and other leaders. Or a church that allows same-sex marriage.

The rationale for those petitions is that the Book of Discipline, the denomination's lawbook, should provide a graceful way churches and conferences can withdraw from the denomination depending on what is decided at the 2019 General Conference. General Conference is the only entity that can decide church law.

One petition that calls for a new paragraph on disaffiliation was approved by its committee at the 2016 General Conference but was deferred by the motion for the creation of a Way Forward Commission. The petition never received a final vote.

"We should not use property as a weapon to force people to remain within a covenant they can no longer support," is offered as the rationale.

Petitions have come from those who support the Traditional Plan or the One Church Plan. They want to provide an exit plan from the denomination to allow congregations who don't agree with the final decision a way to separate without a long legal fight over the trust clause.

The history of the denomination's [trust clause](#) can be traced back to John Wesley, the founder of the Methodist movement. The clause has been upheld by courts for over a hundred years.

Lonnie Brooks, Anchorage, Alaska, said his petition is simple.

"There is lots of room for working through details in a proposal such as the one I have offered, like how long the abeyance of the trust clause ought to last, when it ought to begin, who the parties are to any negotiation, and what the exit fee ought to be, if there is one," he said. He also supports the idea of considering an exit plan at the beginning of the 2019 General Conference process.

“We need to keep church separation out of the courts to the maximum degree that can be done,” he said. “I was deeply involved in a six-year court fight over property in Alaska when the Alaska Conference discontinued one of its local churches, and I don’t want to see this kind of thing played out across the whole church.”

He said having a graceful exit provision approved before entering into debate would prevent the decision being influenced by which plan is approved.

The Rev. Mike Slaughter, pastor emeritus of Ginghamburg United Methodist Church, agrees that exiting the denomination should be done with grace.

“I support the One Church Plan, but if we can’t agree to disagree, I would support a gracious exit plan that is just. In other words, one that would come up with a just ‘buyout’ that would cover the liabilities that we are all accountable for. Not unlike divorce, where two parties have to determine fair support for what they have created together,” he said.

The Rev. Tom Lambrecht, who was a member of the Commission on a Way Forward, said an exit plan was always something the commission felt was important — no matter what direction the church takes.

“The current route for congregations to exit is not fair or equitable. Some churches can leave with their property for paying a relatively small amount. Other churches are not allowed to leave with their property at all. The congregation is at the mercy of their annual conference. If the conference wants to fight to keep the property, it can do so. This is a recipe for endless and expensive lawsuits,” he said.

The Renewal and Reform Coalition, the unofficial traditional advocacy groups, wants an exit plan that is standardized across the denomination, he said.

“We believe this is a gracious way to treat congregations that have built their church’s ministry for decades and even hundreds of years. The exit path should be clear, transparent, and the same in every annual conference, with the same requirements for every church desiring to leave. This includes providing for the unfunded pension liabilities for pastors who have served the church in the past.”

He also agrees it is something the General Conference should address first.

But the Rev. Lovett Weems, a senior consultant at the Lewis Center for Church Leadership, argues it should be hard for a congregation to withdraw from the denomination.

Weems said it is not surprising that United Methodists don’t have much experience with congregations leaving the denomination.

He laid out his arguments in “[Should be hard to leave denomination](#),” a commentary posted by UM News. Weems points out that The United Methodist Church has dealt with many divisive issues before and has stayed together.

“Were it not for the property trust clause, virtually every white United Methodist church in Mississippi would have left the denomination in the 1960s. This is not hyperbole. It is reality. I was there. Today those churches are among 1,000 churches led by an African American bishop that contribute significantly to the rich diversity of United Methodism,” said Weems, a former pastor in Mississippi and professor of church leadership at United Methodist Wesley Theological Seminary.

Things always look very differently 20 years down the road, Weems said in an interview with UM News. “The question is what damage will be done in the meantime.

“In reality, some of the most vital congregations are not those where there is not disagreement over homosexuality, but (those where) they have learned to deal with it.”

He said many United Methodists sit side-by-side in the pews with people who disagree over any number of issues such as politics, the death penalty or abortion.

“What I think they fear most is being forced into a conflict when they feel they are dealing with issues with a lot more maturity than the leadership of the denomination,” he said.

The remaining petitions to be considered include two that propose alternate versions of the Traditional Plan. One of those is the Modified Traditional Plan.

Other petitions remove language opposing homosexuality or affirming traditionalist teachings on sexuality.

Petitions ruled “out of harmony” for the 2019 General Conference can be resubmitted for the 2020 General Conference.

Delegates will operate as one legislative committee and all petitions are required to get a vote in legislative committee. All the petitions submitted to GC2019 are included in [the 2019 Advance Daily Christian Advocate](#).

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