



FINANCE & ADMINISTRATION

General Council on Finance and Administration

THE UNITED METHODIST CHURCH

NAACT 2025

Introduction



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Current Lawsuits

Things to know

1. Trump v. Casa:

1. Limited federal courts authority to issue nationwide injunctions.
2. Impacts to the church:
 1. The denomination will not benefit from nationwide injunctions and might have to participate in lawsuits to receive benefits.

2. Break away church cases:

1. Churches seeking to leave the denomination are increasingly turning to litigation.
 1. *National Center for Life and Liberty (NCLL)/Dan Dalton*: Have seen representing break away churches as a revenue source.
 2. Work together for the most efficient and effective legal strategies.

3. Sexual Abuse Cases:

1. Window legislation
2. Boy scouts (extension to file until Oct 13th)

Immigration

An ever-changing environment



- **International travel:** Because the environment is dramatically changing, I recommend anyone who is not a US citizen should talk to an immigration attorney about the risk of traveling out of the country before doing so.
- **R1 visa:** If you are having issues with these visas please reach out to me and I can provide you with resources.
- **Sensitive Locations Lawsuit:** On January 20, 2025, the U.S. Department of Homeland Security (DHS) rescinded its “sensitive locations” policy, which previously directed immigration officers to avoid enforcement actions in or near places of worship.
 - Some annual conferences and a general agency joined a lawsuit represented by the Institute for Constitutional Advocacy and Protection (ICAP) at Georgetown Law.
 - The initial injunction was denied and a notice of appeal has been filed.
 - *Mennonite Church USA V. U.S. Department of Homeland Security*

Immigration and Federal Grants



Considerations

- Earlier this year, the United States Department of Homeland Security (“DHS”) amended their standard terms and conditions applicable to all grants issued by DHS and its constituent agencies.
- For The United Methodist Church, the changes of concern fall into the following areas:
 - Immigration Enforcement
 - Prohibitions against diversity, equity and inclusion
 - Compliance with all other Presidential Executive Orders pertaining to federal grants
- The changes to the terms and conditions made on March 27, 2025 apply to all grants awarded after that date. The date of the actual award controls, not the date of the grant application.
- For the purposes of The United Methodist Church, the most likely DHS grants at issue are:
 - Nonprofit Security Grant Program (FEMA)
 - Public Assistance Grant (Disaster Recovery)(FEMA)
 - Emergency Food and Shelter Program (FEMA)
 - Hazard Mitigation Grant Program (FEMA)

Immigration and Federal Grants



Considerations

- Remember any grant received from DHS or one of its agencies would be subject to the standard terms and conditions.
- *The changes do not relate to the specific use of grants funds. They are tied to the complete programming and activities of the grant recipient itself.*

Candidate Endorsement

What you can do vs. What you should do

- ✓ The IRS in a federal court filing says that churches can endorse political candidates to their congregations without risking the loss of their tax-exempt status.
- ✓ The move upends a 70-year interpretation of the U.S. tax code, whose Johnson Amendment has barred certain nonprofit groups, including churches, from endorsing political candidates without putting their tax-exempt status in jeopardy.
- ✓ “customary channels”



Fair Use and Copyright

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Fair use is probably not what you expect and is rarely available in a church setting. Whether or not you are within the boundaries of fair use depends on your situation and a balanced application of the law's four factors:

- 1) the purpose of use,
- 2) the nature of use,
- 3) the amount and substantiality used, and
- 4) the market effect.



The fair use exceptions may be available when a church, including a Sunday School class, uses a copyrighted work or a part thereof for teaching or comment purposes.

Public Domain and Copyright

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When a work is in the public domain, it's free for use by anyone for any purpose without restrictions under copyright law. You can arrange, reproduce, perform, record, publish and use or sell it commercially in any way you like. Essentially, the public owns these works instead of an individual, and anyone can use a public domain work without obtaining permission, but no one can ever own it.



Public Domain and Copyright

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There are four common ways that pieces arrive in the public domain:

- 1. The copyright has expired.** U.S. copyrights eventually expire, and the owner no longer has exclusive rights. As of December 31, 2020, copyright expired for works published in the U.S. in and before 1924. These works are in the public domain. At the end of 2021, works published in 1925 will expire, and so on. For works published after 1977, the copyright will not expire until 70 years after the author's death due to a change in the law.
- 2. The copyright owner failed to follow copyright renewal rules.** Thousands of works published in the U.S. before 1964 fell into the public domain because the copyright was not renewed in time. If you plan to use a work published before 1964, you should research the records of the Copyright Office to determine if a renewal was filed to determine if the work is considered public domain. Even so, you should always obtain documented proof of this determination before using the material.
- 3. The copyright owner deliberately places it in the public domain.** If, upon viewing a work, you see words such as, "This work is dedicated to the public domain," then it is free for you to use. This type of dedication is rare, and unless there is express authorization placing the work in the public domain, do not assume that the work is free. If in doubt, contact the copyright owner to verify the dedication.
- 4. Copyright law does not protect this type of work.** Apple to describe a store that sells apples.

Minimizing





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