

Concerning HOUSE BILL 2161
Testimony Given by Rev. A. Kirk Johnston - 23270 W. 289th St. Paola, Kansas 66071
before the Kansas State House of Representatives on Thursday, February 18, 2016

I am currently Senior Pastor of Lighthouse Presbyterian (EPC) Church Paola, Kansas. From 1992-2007, I was pastor of First United Presbyterian Church (PCUSA) in Paola.

First Presbyterian Church was founded in 1868 as a mission to spread the clear message of salvation in Christ domestically and internationally. It never received development or support funds from its original or successor denominations. The local body bought, built and improved its own property under its own corporate bylaws and paid in full its own debts. Our church never explicitly or implicitly agreed to the Property/Trust claim of the PCUSA made in the 1980's after the 1979 decision of the U.S. Supreme Court (*Jones V. Wolf*, 443 U.S. 595 (1979)) that established that "Neutral principles of law" would prevail in national matters and could be used by states in adjudicating church disputes.

First Presbyterian and many other churches began to question the loss of shared mission with the PCUSA as early as 1967. In 1993 the PCUSA lost its way as a particularly Christian denomination and we decided to seek reform and witness to it –suspending our support via per capita giving, while increasing our activism in church courts and government.

When the denomination acted in 2003 seeking to force local churches to give – we took it to ecclesial court. As chief complainant and with the support of First Presbyterian session, I won a landmark case against the Heartland Presbytery of the PCUSA that mission funds of a local church cannot be coerced or coopted by the denomination and are spent at the sole discretion of the local Church. *A. Kirk Johnston, Laurie Johnston and Session of First United Presbyterian Church v. Heartland Presbytery of the PCUSA* (2004) This did not endear us to the denomination and put us in their cross hairs.

By 2005 we realized we might want to align with another denomination that reflected our church's original mission. As our local church explored its options, we were told by the PCUSA that it intended to enforce its self-ascribed trust clause on any church seeking to leave the denomination with property. It seemed to us and our counsel, on the clear basis of law and case history, that any claim of a trust made by the beneficiary of that trust is unenforceable. The only complication could occur in states that do not recognize "neutral principles" – like Kansas.

This created confusion that the denomination exploited in Paola. Around 80% of our 500 active members wanted to disaffiliate – but because we could not be sure of state interpretation and because the PCUSA was intent on using our large church in a small town as a test case – we decided we would rather suffer loss than drag it out in court. When the PCUSA (outside their own policies) removed our session and defrocked me (just for legally asking to leave) we did not fight and left a property that we had recently improved, to worship in a restaurant/Bar and formed Lighthouse Presbyterian (EPC). Lighthouse Church has been blessed beyond understanding and we are grateful for the experience. But we cannot help but notice the painful travail First United has gone through. First United Presbyterian does not have a full time pastor and has dwindled to attendance below 30. It would have better for those who would not or could not leave, if Kansas law would have recognized "Neutral principals".