

Concerning HOUSE BILL 2161
Testimony Given by Rev. Dr. KENT MATHEWS
[629 E. 15th St.
Ottawa, KS 66067]

before the Kansas State House of Representatives on Thursday, February 18, 2016

Gashland Presbyterian Church (or GPC, located at 8029 North Oak Trafficway; Kansas City, Missouri 64118) was founded in the 1940s. The church alone provided the funds over all the years of its existence to pay for land, buildings, furnishings, utilities, salaries, and all other costs of beginning and sustaining a church. Its denomination contributed nothing to any of these costs. On the other hand, the church contributed thousands of dollars each and every year to the operating costs of the denomination.

In the early 1980's, during reunion between the former "Southern" and "Northern" Presbyterian denominations, it was decided to insert a property trust clause in the revised Book of Order; i.e., the constitution of the new denomination. This was, and continues to be, a unilateral claim on the part of the denomination that it owns all local church properties, and that any local congregation merely maintains the property "in trust" for the denomination. GPC never acknowledged or agreed to this claim.

In 2007, GPC voted to disaffiliate from its former denomination, the Presbyterian Church USA (or PC.USA), and to affiliate with its current denomination, the Evangelical Presbyterian Church (EPC). 95% of the members present voted to disaffiliate.

Beginning in the early 1990's, GPC began formally communicating its concerns with the PC.USA that the denomination was steadily and intentionally drifting from the historic orthodox theology of the New Testament Church. This was communicated in nearly annual overtures to Heartland Presbytery—the geographical body through which GPC was, at that time, affiliated with the PC.USA. GPC's had experienced and regularly communicated a long-standing sense of betrayal on the part of the denomination; that it was decreasingly representing the theology, mission and interests of GPC.

In 2009, Heartland Presbytery sued for ownership of the church properties.

In 2010, the District Court ruled in favor of GPC. The court ruled that a denomination does not have the right of ownership over a local church's properties by the exercise of a unilateral trust clause; that there must be a clear bilateral agreement. The court also cited the State of Missouri's Neutral Property Laws as a basis for the decision.

In 2011, the Appellate Court ruled in favor of GPC.

In 2012, the Supreme Court declined to hear the case.

GPC's was the first known case of this kind—a denomination suing a local church for property ownership in Missouri. And while it cost the church well over \$100,000 in legal costs, and kept it in emotional and financial "bondage" for years, the merits of the case were allowed to prevail BECAUSE of Missouri's Neutral Property Laws.

I served as Moderator of the Session (i.e., the ruling Elder Board) of GPC for 2 years and am familiar with many of the details concerning its sense of disenfranchisement from its former denomination, its vote to affiliate with its current Presbyterian denomination, and the various law suits and hardships brought by the previous denomination against the GPC.

For these and other reasons I support HB 2161.