



*Together. One Body.*

February 17, 2016

Chairman John Barker  
Kansas Statehouse, Room 519-N  
Topeka, Kansas 66612

Dear Chairman Barker:

I am James Gale, a Minister of the Word and Sacrament in the Presbyterian Church (U.S.A.) currently serving as the Associate Executive for Presbytery Support for the Synod of Mid-America. I write to urge your Committee not to approve HB 2161, as I believe it would directly undermine freedom of religion in a manner inconsistent with the First Amendment of the Constitution of the United States.

The Synod of Mid-America (SoMA) is a regional community of six presbyteries within the PC (USA), comprised of 427 congregations, with a total membership of 56,738 members. Geographically, SoMA consists of the States of Kansas and Missouri, as well as six counties in Illinois. The PC (USA) established its current configuration of regional synods in 1983, as a part of the reuniting of the northern and southern branches of the Presbyterian Church. Synods, including SoMA, share a primary mission to support and resource member presbyteries in ways which allow them to better serve their congregations and their outreach efforts through mission. The success of those efforts depend upon the notion that PC (USA) is greater than the sum of its member churches, including the fact that those member churches commit a portion of their resources for the work of the denomination.

The concept that properties of individual churches are held in trust for the denomination has been a central tenet of the Presbyterian Church since 1797. The concept is one of the theological cornerstones of the Presbyterian denomination. That connectional theology is integrated into its form of government and discipline, referred to as its polity. The tenet was ratified as a part of the governing constitution when reuniting the northern and southern denominations to form the PC (USA).

The Trust Clause of PC (USA)'s Constitution reads:

*All property held by or for a particular church, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a particular church or of a more inclusive governing body or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.)*

- Presbyterian Book of Order G-4.0203

When exercising their choice to join the reunited PC (USA) upon its formation, local churches elected to accept PC (USA)'s Constitution and its polity. That polity, including the concept of property being held in trust for the denomination, remains a fundamental tenet to which those congregations committed when joining the denomination.

This trust concept reflects that the Presbyterian faith is built upon a connectional theology; that faith is supported by, and responsibilities are owed to, the denomination and its members in the past, present and future. The trust concept extends well beyond secular matters of ownership. It is a core theological concept. Leaders, both ministers and those in the local congregation, affirm this connectional theology in the constitutional questions as asked of all church leadership. The connection of the trust concept to the Presbyterian Church's core theology was recognized by the U.S. Supreme Court in its decision in *Watson v. Jones*, 80 U.S. (13 Wall.) 679 (1872).

The freedom of religion protected by the Constitution, affords citizens the right of choice as to the church they will join and the theology to which they will commit. At the same time, that freedom recognizes that the State will not interfere with the expression and practice of the theology. HB 2161 directly infringes on that freedom. Effectively, HB 2161 invites the Legislature to directly infringe on the PC (USA)'s expression of and action upon a core theology. The fact that there may be some intersection between this theology and property ownership does not afford a proper basis for the State's intrusion into a role long reserved to the church through the United States Constitution.

This bill has been presented and rejected over the last two sessions, and I ask you to do so again. On behalf of SoMA and its member presbyteries, I respectfully request that HB 2161 again be rejected.

Respectfully submitted,

A handwritten signature in cursive script, reading "James L. Gale Jr.", followed by a small flourish.

Reverend James L. Gale Jr.  
Associate Executive  
Synod of Mid-America, Presbyterian Church (USA)