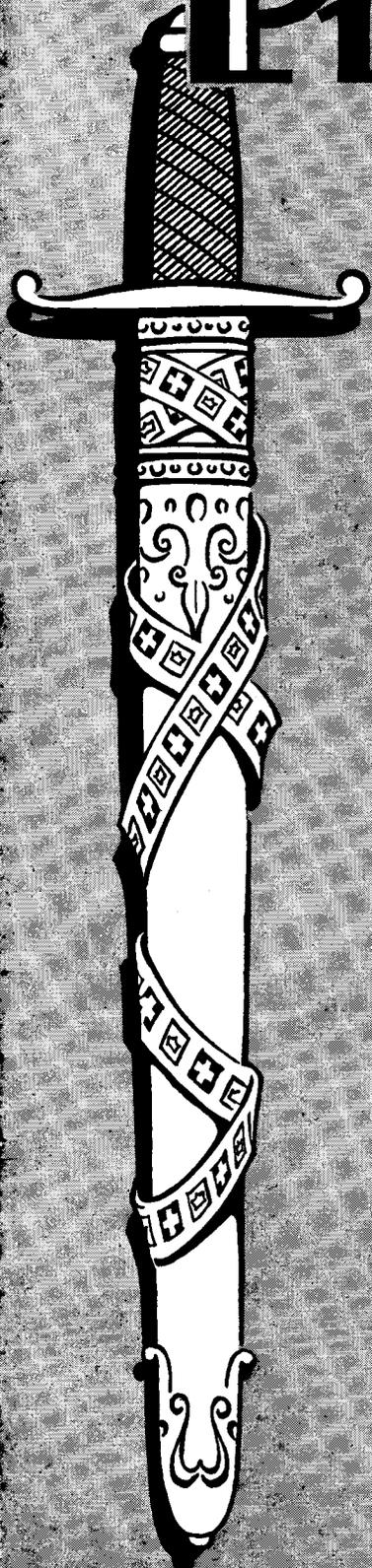


June 22, 1936

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The Presbyterian Guardian



THE SWORD OF THE SPIRIT WHICH IS THE WORD OF GOD

"In order to continue what we believe to be the true spiritual succession of the Presbyterian Church in the U.S.A., which we hold to have been abandoned by the present organization of that body, and to make clear to all the world that we have no connection with the organization bearing that name, we a company of ministers and ruling elders, having been removed from that organization in contravention (as we believe) of its constitution, or having severed our connection with that organization, or hereby solemnly declaring that we do sever our connection with it, or coming as ministers or ruling elders from other ecclesiastical bodies holding the Reformed Faith, do hereby associate ourselves together with all Christian people who do and will adhere to us, in a body to be known and styled as the Presbyterian Church of America." (The Act of Association creating The Presbyterian Church of America, June 11, 1936.)

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The Changing Scene and the Unchanging Word

By the REV. J. GRESHAM MACHEN, D.D., Litt.D.

"The grass withereth, the flower fadeth: but the word of our God shall stand forever."—Isa. 40:8.

A True Presbyterian Church at Last



Dr. Machen

ON THURSDAY, June 11, 1936, the hopes of many long years were realized. We became members, at last, of a true Presbyterian Church; we recovered, at last, the blessing of true Christian fellowship. What a joyous moment it was! How the long years of struggle seemed to sink into nothingness compared with the peace and joy that filled our hearts!

To the world, indeed, it might seem to have been not a happy moment but a sad one. Separation from the church of one's fathers; a desperate struggle ahead, with a tiny little group facing the hostility of the world and the still more bitter hostility of the visible church—what possible joy or comfort can be found in such things as these?

Yet to us it was a happy and a blessed moment despite all. You see, we do not look upon these matters as the world looks upon them. We ground our hopes not upon numbers or upon wealth but upon the exceeding great and precious promises of God. If our opponents despise us as being but a tiny little group, we remember the words of Scripture: "There is no restraint to the Lord, to save by many or by few." If we are tempted to be discouraged because of our lack of material resources, we say, again in the words of Scripture: "Not by might, nor by power, but by my spirit, saith the Lord of hosts."

It is indeed only a little group at the beginning, this "Presbyterian Church of America"; but I think we can hear our Saviour say to us as to the rest of His true Church throughout the world: "Fear not, little flock; for it is your Father's good pleasure to give you the kingdom."

About one thing, at least, our con-

sciences are clear as we enter into the warmth and joy of this true Christian fellowship. We have not escaped into that warmth and joy without making an earnest effort to bring about a reform of the church organization in which we formerly stood.

Our solemn ordination pledge required us to be "zealous and faithful in maintaining the truths of the gospel and the purity and peace of the Church, whatever persecution or opposition" may arise unto us on that account. We have tried to fulfil that pledge. We have tried to bring about a return of the Presbyterian Church in the U.S.A. from Modernism and indifferentism to the Bible and the Church's constitution.

I do not mean that our effort has been perfect. On the contrary, we have to confess to many terrible sins in the course of the long struggle. What a fearful sin of omission it was, for example, that an effort was not made in 1924, in every single presbytery in which any of us stood, to bring the Auburn Affirmationists to trial! But I do mean that we have not just followed the line of least resistance. We have not separated from the Presbyterian Church in the U.S.A. before it became abundantly clear that it was not God's will that that church should be reformed.

What a long struggle it has been! My thoughts turn back, as I thank God for the peace and joy of the present hour, to the past phases of the conflict.

How sad was my heart at the first General Assembly which I attended, the General Assembly of 1920! I knew of course even before I attended that Assembly that the Church was corrupt, but the extent of its corruption, as then revealed, came to me with a great shock. The Assembly discussed dollar and cents at great length, but would not allow even one minute of debate upon the Plan of Organic Union which undermined the faith of the Church at its roots. The Plan was

sent down to the presbyteries without debate.

The Plan was defeated in the presbyteries and the inevitable division was postponed. Then came the Fosdick struggle, and the evangelical pronouncement by the General Assembly of 1923. Then the election of Dr. Macartney in 1924. It was the only evangelical General Assembly that we have had in all these years. There was no comprehensive program of reform, and when the miserable compromising decision of the Permanent Judicial Commission in the Fosdick case was read the evangelical majority in the Assembly disintegrated in a general rush to the sleeping-cars. Then, with Dr. Erdman's election in 1925 the Modernist-indifferentist machine took control again and has tightened its control with every successive year thereafter.

The Auburn Affirmation, the Erdman "Commission of Fifteen" of 1925-1927, giving the Auburn Affirmationists everything that they desired, the destruction of Princeton Seminary in 1926-1929, the period of false and wicked "peace", the Laymen's Inquiry in 1932, the forming of The Independent Board for Presbyterian Foreign Missions in 1933, the "Mandate" in 1934, the final triumph of Modernist tyranny in 1936—these have been some of the phases in the conflict.

It has been a triumph of unbelief and sin in the Presbyterian Church in the U.S.A. If we mince words about that, we are committing terrible sin ourselves. But God has made the wrath of men to praise Him, and is working out His Holy purposes.

With what lively hope does our gaze turn now to the future! At last true evangelism can go forward without the shackle of compromising associations. The fields are white to the harvest. The evangelists are ready to be sent. Who will give the funds needed to send them out with their message of peace?

EDITORIAL

LOOKING BACKWARD AND AHEAD

THE Great Betrayal has come but it has not gone. The 148th General Assembly of the Presbyterian Church in the U.S.A. in the name of "constitutionalism" and "law" has trampled upon the Supreme Law of the Church: God's Holy Word. This paradox can only be explained by pointing out that the thing which the Assembly upheld was not law, but an unlawful order falsely parading as law. In a statement issued by the General Council after the Assembly was over, it was again declared that the issue was not doctrinal. This persistent attempt shows that the truth is seeping through. There could be no more profoundly doctrinal issue than that concerning the power of church courts to enforce orders which men believe are contrary to or beside the Word of God. It was the great *doctrinal* issue that underlay the Protestant Reformation. Either the members of the General Council know this or they do not. If they do *not*, they have little right to call themselves Protestants, much less Presbyterians, heirs of the Reformed Faith. If, on the contrary, they *do* know this, they are falsifying. We express no opinion as to which category fits—either way, it is apparent that their words can carry no weight with people of much intelligence.

After the Moderator of the Syracuse Assembly had declared the preliminary judgment of the Judicial Commission the final judgment of the Assembly, he banged his gavel and said, "This case is now ended." That may be what he would like to think, and does think. That is what Bellarmine thought when he forced Galileo to declare that the earth was flat. But you can't suppress truth. Truth is mighty and will prevail. It can't be smothered by a chorus of well-directed "ayes." It lives and moves and turns and overturns and has its way because God is God and the moral foundations of the universe are in Him.

We look back with sadness upon the tragedy of a church that has dethroned the Lord Jesus Christ as its King and Head. That sorrow is not for Christ, for He has other thrones from which men can never expel Him, and His true empire is secure. Nor do we view the tragedy as involving merely what has been done to individuals. They are comparatively unimportant, though the truth for which they stand is irrefragable as God Himself. The sorrow is for the tragedy of a church that has dishonored and betrayed Christ while giving Him lip service. It has done incalculable harm to itself, and only a repentance of which not even the first signs are visible can make it again a true Church.

What a contrast has been experienced by those who have taken part in the First General Assembly of the Presbyterian Church of America! Never in their lives, is the unanimous testimony, has there been such freedom and joy in the Lord, such experience of what the Apostles' Creed calls "The Communion of Saints." Gone was the overbearing ecclesiastical bureaucracy. Gone was the blight of inclusivism—the weary old attempt to bridge the unbridgeable, to sit down together with those who despise the Gospel we love as if there were no great gulf fixed between! Gone was the sense of being in a body whose life was a perpetual contrast to its creed. Gone was the fear of provoking hostilities if Paul were emulated and unbelief called exactly what it is. Present was a sense of unity: unity of faith, unity of purpose, unity of evangelistic zeal. This unity was not a harsh uniformity: within the circle of the system of doctrine of the Westminster Confession men sat who differed honestly as to matters not essential to that system. For example, it is essential to that system that our Lord Jesus shall some day personally and visibly return to earth. But it is not essential to that system that a man shall hold the Pre-, Post- or Amillennial view. Men holding sincerely to each of these views as being taught in Scripture sat and worked in unity and fellowship. They do not surrender their views or make light of their differences: but they know that they have freedom to hold what view they will so long as it does not contradict the great system of the Confession, which is the system of the Word of God.

And the First General Assembly of the Presbyterian Church of America was a truly deliberative body. Its distinguished Moderator presided with fairness and good humor over a body that was always a true Court of the Visible Church. There were sometimes vigorous exchanges of opinion: it would have been a pity had there not been such. But always there was the unity of the spirit in the bond of peace.

Now we look ahead, with a church that is pure, that has only begun to develop and exhibit its true strength. We believe that in a generation it will compare numerically with the body whose light has gone out. But its chief source of confidence is not in numbers or wisdom or anything human: it is in the faithfulness of God, who in His providence has called it into existence, founded upon His Word. And in that Word and in the God who breathed it, the Presbyterian Church of America will live and move and have its being.

Syracuse Swan Song: The 148th General Assembly

A Description and An Interpretation

THE most momentous General Assembly of the Presbyterian Church in the U.S.A. in a hundred years, has come and gone. To it came those who hoped against hope that this Assembly, sitting as a court, would somehow repudiate the un-Christian and anti-Protestant deliverance of 1934 against the Independent Board and its members. That the Assembly should not place the word of man above the Word of God and require a conscience-binding, implicit obedience to human decrees had been the burden of countless prayers. Those who stood against Modernism and the barren ecclesiasticism which is its offspring, sincerely desired that the Church should not become apostate by action of its highest court. What true Christian could wish a blow struck at the Lord of Glory?

The Permanent Judicial Commission of the Assembly had held two series of sessions before the Assembly actually opened. The first was in Columbus, Ohio, in April. The other was the week before the Assembly opened, in Syracuse. In April the Commission had heard the "Coray Complaints" against the erasure of Mr. Coray's name by Lackawanna Presbytery, the complaint from the minority in the Presbytery of Donegal against the decision of that presbytery to make support of the official Boards a condition of ordination, the complaint against Chester Presbytery for not trying Dr. Wilbur M. Smith for his Independent Board membership, the John W. Fulton licensure case from Philadelphia, the case of Dr. Machen's reception in Philadelphia, the complaint against the decision to try Mr. McIntire in West Jersey, and the cases of the five Independent Board members of the Presbytery of Philadelphia, which latter came on appeal. At Syracuse the Commission listened to the Judicial Cases of the Rev. Carl McIntire, the Rev. Prof. J. Gresham Machen, the Rev. President J. O. Buswell, Jr., (all Independent Board cases) and the Rev. Arthur F. Perkins (whose great offense was in having part in a non-official summer Bible camp). The most important non-judicial case was that of

the Rev. J. J. DeWaard, of Cedar Grove, Wisconsin, whose pastoral relation had been dissolved by the Presbytery of Milwaukee when he refused to promise *not to criticize* the official boards.

Two Opposing Conceptions

In the arguments before the Permanent Judicial Commission, two great conceptions of the Church clearly emerged, struggling for the mastery. One, that for which the defendants in these cases argued, was for the Presbyterian Church in the U.S.A. as

directions for the better ordering of the public worship of God, and government of his Church; to receive complaints in cases of mal-administration, and authoritatively to determine the same: which decrees and determinations, if consonant to the Word of God, are to be received with reverence and submission. . . ." and that "All synods or councils since the apostles' times, whether general or particular, may err, and many have erred; therefore they are not to be made the rule of faith or practice, but to be used as a help in both." (Confession of Faith, Chapter XXXI, Section II and III.)

MODERATORS 1935 and 1936



... They found no heresy

set forth in its Constitution: a Church composed of Protestant freemen in Christ Jesus. A Church whose supreme law is the Bible, whose only Head is Christ. A Church that refuses to attempt to put its own word on a parity with the Word of God written. A Church which abides by its Constitution when that document declares that "all church power . . . is only ministerial and declarative; that is to say, that the Holy Scriptures are the only rule of faith and manners; that no church judicatory ought to pretend to make laws, to bind the conscience in virtue of their own authority; and that all their decisions should be founded upon the revealed will of God." (Form of Government, Chapter I, Sec. VII.) A Church that abides by its Confession of Faith when it declares that "It belongeth to synods and councils, ministerially, to determine controversies of faith, and cases of conscience; to set down rules and

Romanism Without the Pope

This great, coherent, consistent Protestant idea of the power of the Church, an idea that finds full and clear expression in the Constitution of the Presbyterian Church in the U.S.A., was sharply challenged at every point by the representatives of the majority. To them, Church power is absolute. A majority cannot be challenged or disobeyed by an individual or a minority, especially if that majority be in control of the General Assembly. An individual or a minority cannot plead the Constitution against the General Assembly if they are commanded to do something by that body. They may not plead the Bible against the General Assembly, but must obey or get out. This, of course, is the flat denial of the elementary principles of constitutional government. A Constitution exists for the sole purpose of limiting and defining the action of a body, of restraining impulsive or transient majorities. To say that an individual cannot plead the Constitution against a judicatory is to obliterate the Constitution. To the confessional and Protestant principle that the decrees of judicatories are to be received only if they are consonant to the Word of God, the prosecutors argued that it was not for the individual to decide this consonance, but for the judicatory! As anyone of intelligence can see, this destroys the whole principle involved, for any judicatory can

(Continued on Page 118)

The Covenant Union Convention and the First General Assembly of the Presbyterian Church of America

AS A fitting climax to its one short year of existence, The Presbyterian Constitutional Covenant Union convened in Philadelphia, in the auditorium of the New Century Club, on Thursday, June 11th. For many weeks prior to the Convention enthusiasm had run high among members and friends, and with the announcement of the decisions of General Assembly's Permanent Judicial Commission it became clear that the hour of decision had at last struck. The first part of the Covenant, aiming at the reform of the existing organization called the Presbyterian Church in the U.S.A., had utterly failed; the second part, in which members pledged themselves to continue the true Presbyterian Church in the U.S.A., regardless of cost, had ceased to look only to some vague future date, and had become mandatory for the immediate present.

The Convention was called to order at 10.30 A. M., Thursday, June 11th, by Ruling Elder D. T. Richman, Vice-President of the Covenant Union. The Scripture lesson was read by the Rev. L. Craig Long, of New Haven, Conn., and prayer was offered by the Rev. Arthur F. Perkins, of Merrill, Wisconsin. Present were about forty delegates representing seventeen chapters from coast to coast, as well as a large group of members and friends who were not voting delegates.

The opening address was delivered by the Rev. H. McAllister Griffiths, D.D., General Secretary of the Covenant Union. He drew a stirring picture of the parallelism between the situation as it is in Presbyterianism today and as it was in the time of the great Protestant Reformation. "What was laudable in Martin Luther," said Dr. Griffiths, "has been condemned in contemporary ministers." He called upon all who had signed the pledge of the Covenant Union not to falter at the crucial moment. Since the Lord Jesus Christ had been officially ejected from the Presbyterian Church in the U.S.A. those who named the name

of Christ could no longer remain. The words of his text constituted a clarion call to the Convention: "Wherefore Jesus also, that he might sanctify the people with his own blood, suffered without the gate. Let us go forth therefore unto him without the camp, bearing his reproach." Heb. 13: 12, 13.

Executive Committee Report

After the devotional service, the following report of the Executive Committee of the Covenant Union was read by Ruling Elder Gordon H. Clark, Ph.D.

REPORT OF THE EXECUTIVE COMMITTEE
OF THE PRESBYTERIAN CONSTITUTIONAL
COVENANT UNION FOR THE YEAR JUNE 27,
1935 TO JUNE 11, 1936

The Executive Committee of The Presbyterian Constitutional Covenant Union has endeavored to the best of its ability to carry forward the central purpose of the Covenant Union as expressed in Article III of the Constitution: "To defend and maintain the Constitution of the Presbyterian Church in the U.S.A.—that is, to defend (1) the Word of God upon which the Constitution is based, (2) the full, glorious system of revealed truth contained in the Confession of Faith and Catechisms, commonly called (to distinguish it from various forms of error) the 'Reformed Faith,' and (3) the truly Scriptural principles of Presbyterian church government guaranteeing the Christian's freedom from implicit obedience to any human councils and courts and recognizing, instead, in the high Biblical sense, the authority of God."

In order to carry out these purposes effectively the Executive Committee has taken the following actions in accordance with its Constitutional powers:

1. Offices were opened at 1209 Commonwealth Building, Philadelphia, Pennsylvania, on September 9th, 1935.

2. The Rev. H. McAllister Griffiths, D.D., was employed as General Secretary of the Covenant Union.

3. A semi-monthly publication, known as THE PRESBYTERIAN GUARDIAN, was begun October 1st, 1935, and has been continued to date.

4. The Rev. H. McAllister Griffiths, D.D., was asked to serve as editor of THE PRESBYTERIAN GUARDIAN in addition to his work as General Secretary.

5. Mr. Thomas R. Birch was employed on September 9th, 1935, to act as Circulation Manager and Assistant Editor of THE PRESBYTERIAN GUARDIAN.

These actions have enabled the Executive Committee to accomplish the follow-

ing things in attempting to fulfill the aims of the Covenant Union.

1. Twice each month, beginning with October, 1935, THE PRESBYTERIAN GUARDIAN has been printed and mailed to thousands of Presbyterians with information and warnings about the modernist tyranny which grips the Presbyterian Church in the U.S.A. Many different Presbyterian ministers, elders and laymen have contributed articles to this journal. Some of these articles of special interest have been reprinted and sent out in pamphlet form.

2. The Rev. H. McAllister Griffiths, D.D., in addition to acting as editor of THE PRESBYTERIAN GUARDIAN, has carried forward the work of the Covenant Union.

He has acted as counsel for most of the members of The Independent Board for Presbyterian Foreign Missions in the cases of the Presbyterian Church in the U.S.A. against these members.

He has arranged for and conducted rallies of the Covenant Union in many parts of the United States.

These rallies have resulted in the formation of chapters of the Covenant Union. In many other ways Dr. Griffiths has made the work of the Covenant Union effective.

3. Mr. Thomas R. Birch has acted as Circulation Manager. At the present time there are subscribers in 46 states and 21 foreign countries.

In many other ways Mr. Birch has aided the Executive Committee in carrying forward the work of the Covenant Union.

4. Rallies for the Covenant Union have been held in many states. These meetings have been addressed by members of the Covenant Union and literature of the Covenant Union has been distributed.

5. Over thirty thousand Constitutions and pledge cards of the Covenant Union have been distributed.

At the present time there are twenty-four chapters of the Covenant Union.

The Executive Committee desires to make the following recommendations:

1. The Rev. H. McAllister Griffiths, D.D., and Mr. Thomas R. Birch be thanked for their splendid work and untiring efforts in behalf of the Covenant Union.

2. BE IT FURTHER RESOLVED that the proper officers and agents of the Presbyterian Constitutional Covenant Union be and they are hereby authorized to do any acts and to execute any documents which may be required to carry into effect the purposes of the foregoing resolutions.

In view of the fact that the efforts to reform the existing organization of the Presbyterian Church in the U.S.A. have failed and in view of the fact that the tyrannical policy of the present majority

of the Presbyterian Church in the U.S.A. has triumphed as evidenced by the action of the General Assembly of the Presbyterian Church in the U.S.A. sitting as a court in Judicial Cases Numbers 1, 2, 3, 4, and 5 and in Non-Judicial Cases Numbers 1-8 and 10, it is now declared that The Presbyterian Constitutional Covenant Union shall upon the adjournment of this meeting cease to exist and that the members of the Covenant Union are now free to carry on the true spiritual succession of the Presbyterian Church in the U.S.A. in accordance with Section Two of the Covenant.

3. The following resolutions be adopted by the Covenant Union:

(1) Whereas the Presbyterian Constitutional Covenant Union which has heretofore published the semi-monthly religious journal called THE PRESBYTERIAN GUARDIAN is now about to dissolve;

And Whereas it is desirable that the publication of THE PRESBYTERIAN GUARDIAN be continued;

And Whereas the Rev. J. Gresham Machen, D.D., the Rev. Paul Woolley and Murray Forst Thompson, under the name and style of "The Presbyterian Guardian Publishing Company," have offered to undertake the continued publication of THE PRESBYTERIAN GUARDIAN on the terms set forth in the written proposal hereto attached:

NOW THEREFORE BE IT RESOLVED that all of the right, title and interest of the Presbyterian Constitutional Covenant Union in and to "THE PRESBYTERIAN GUARDIAN," its good will, accounts receivable, cash balances as of June 11, 1936, subscription list, and the equipment and supplies described in Exhibit "A" attached hereto, be and they are hereby assigned, transferred and set over unto the said Rev. J. Gresham Machen, D.D., Rev. Paul Woolley and Murray Forst Thompson, in consideration of the agreement of the said Rev. J. Gresham Machen, D.D., Rev. Paul Woolley, and Murray Forst Thompson, to assume and pay all of the outstanding obligations of the Presbyterian Constitutional Covenant Union, as listed in Exhibit "B" hereto attached, and also to assume any and all liability incurred by the Covenant Union in connection with the execution of the lease of the office, 1209 Commonwealth Building, Philadelphia.

After some discussion this report was received and its recommendations adopted. The dissolution of the Covenant Union and the disbanding of the Convention was accomplished in enthusiastic anticipation of the constituting of the new body to carry on the true spiritual succession of the Presbyterian Church in the U.S.A.

The Decisive Step

The afternoon session was opened with prayer by Dr. Griffiths, who then presented the following two articles as part of a proposed act of association:

Article I.

In order to continue what we believe to

be the true spiritual succession of the Presbyterian Church in the U.S.A., which we hold to have been abandoned by the present organization of that body, and to make clear to all the world that we have no connection with the organization bearing that name, we a company of ministers and ruling elders, having been removed from that organization in contravention (as we believe) of its constitution, or having severed our connection with that organization, or hereby solemnly declaring that we do sever our connection with it, or coming as ministers or ruling elders from other ecclesiastical bodies holding the Reformed Faith, do hereby associate ourselves together with all Christian people who do and will adhere to us, in a body to be known and styled as the Presbyterian Church of America.

Article II.

We, a company of ministers and ruling elders, do hereby in our own name, in the name of those who have adhered to us, and by the warrant and authority of the Lord Jesus Christ hereby constitute ourselves a General Assembly of the Presbyterian Church of America.

In the course of the discussion on Article I the ruling was made that those who should indicate their adherence to the Presbyterian Church of America by participating in the constitution of that Church were thereby severing whatever connection they might have with the Presbyterian Church in the U.S.A. and that they should send notice thereof to the proper authorities within a reasonable time.

When the chairman called upon those who wished to affiliate themselves as constituting the Presbyterian Church of America on the basis of Article I to stand, approximately two hundred arose, and while they stood the Presbyterian Church of America was declared constituted by the presiding officer.

Those ministers and ruling elders who wished to constitute themselves as the General Assembly of the Presbyterian Church of America on the basis of Article II were requested to stand and thereupon the first General Assembly was declared constituted and solemn prayer was offered. The first act of the Assembly was the unanimous adoption of the final article of the act of association, setting forth the doctrinal and governmental principles of the church.

Article III.

We do solemnly declare (1) that the Scriptures of the Old and New Testaments are the Word of God, the only infallible rule of faith and practice, (2) that the Westminster Confession of Faith and Catechisms contain the system of doctrine taught in the Holy Scriptures, and (3)

that we subscribe to and maintain the principles of Presbyterian church government as being founded upon and agreeable to the Word of God.

All persons, before they shall be ordained or received as ministers or ruling elders or deacons, shall subscribe to the foregoing statement.

Dr. Machen Elected Moderator

When the presiding officer called for nominations for the office of Moderator of the Assembly, Dr. Gordon H. Clark presented amid thunderous applause the name of Dr. Machen. Significant excerpts from the nominating speech:

"Mr. Chairman, fathers and brethren, in order to set in motion our corporate witness to the truth and power of the pure gospel of Jesus Christ, this Assembly must first elect a moderator. Therefore if the Assembly please, I request the honor of nominating for moderator, the Rev. J. Gresham Machen. . . .

"The first indispensable qualification for this office is a profession of the Reformed Faith. . . . The moderator of this Assembly must be an evangelical Christian—that goes without saying; but he must be more than that, he must also be a Calvinist. . . . And the Rev. J. Gresham Machen satisfies this requirement.

"But this is not the only requirement. All of us have made profession of the Reformed Faith; yes, and many who have chosen to remain absent today have made a similar profession. Their absence, their displeasure, shows that more than a verbal profession is required. Our first moderator, who in the mind of the preoccupied public will typify and illustrate our convictions, must not only profess Calvinism, he must also show by his actions that he means it. . . .

"Many ministers and elders have solemnly promised 'to be zealous and faithful in maintaining the truths of the gospel, and the purity and peace of the Church, whatever persecution or opposition may arise unto you on that account.' Those who have broken this ordination vow are not present today; but among those present, among those who have tried to fulfill this vow, there is one who has been particularly prominent, particularly faithful, and particularly persevering. He, therefore, possesses the second indispensable qualification for the office of moderator—the Rev. J. Gresham Machen. . . .

"The history of Presbyterianism shows that learning has never been despised in Calvinistic circles. Schools and colleges have always originated where Calvin's influence has gone. It is true that among certain people who today call themselves Presbyterian but are not, an anti-intellectual mysticism has replaced sound learning. But true Presbyterians will never disparage the intellect which God has given us for apprehending truth. It would be fortunate therefore if we could find a moderator who, in this respect also, typifies the Reformed Faith. Of course, if he were only the best scholar among those who call themselves Presbyterians in Philadelphia, or in New Brunswick, the

point would be more appropriately passed without mention. But today, fathers and brethren, we have the opportunity of electing as moderator a man whose scholarship is recognized throughout the world—and not throughout the world only, but also in Philadelphia and New Brunswick—the Rev. J. Gresham Machen.

"There is a second and final super-erogatory characteristic. It would make a good impression on the world at large, to whose impartial judgment we appeal, if our moderator were not only a scholar, but also a gentleman . . . While he has been goaded to indulge in personalities, he has withstood the temptation. Although he was reviled, he reviled not again. He asked only an opportunity to present evidence of official modernism. . . . With the truth of the Bible as a whole denied, and in particular with the Virgin Birth, the miracles, the Atonement, and the Resurrection under attack, he defended Christianity against its enemies, not by imitating their campaign of personal defamation, but by defending Christianity like a Christian gentleman.

"Fathers and brethren, I nominate for the office of Moderator of the first General Assembly of the Presbyterian Church of America, the Rev. J. Gresham Machen."

No other nominations were offered, and Dr. Machen was unanimously elected. The Rev. Professor Paul Woolley was elected Clerk of the Assembly.

Committee on Constitution

The first important committee to be elected was a Committee on the Constitution composed of Messrs. Griffiths, Stonehouse and Thompson. This Committee was authorized to present for adoption to the General Assembly meeting in the autumn of 1936 the Westminster Confession of Faith and Catechisms as the confession of the faith of this church.

The committee shall take as the basis of its consideration the particular form of the Westminster Confession of Faith and Catechisms which appears in the Constitution of the Presbyterian Church in the U.S.A., 1934 edition. The committee shall have power to recommend the elimination, from that form of these Standards, for the changes made in the year of our Lord 1903, but it shall not have power to recommend any other changes. The committee shall also have power to recommend what relation this church shall bear to the Declaratory Statement of 1903.

This committee shall also prepare for submission to the next General Assembly a Form of Government, Book of Discipline, and Directory for the Worship of God.

A preliminary report of this Committee which was adopted by the Assembly set forth the questions which must be affirmed by candidates for licensure and ordination to the ministry and by those who shall be

elected as ruling elders and deacons, pending the adoption of the Constitution. Other rules adopted governing the licensure and ordination of candidates and the reception of ministers:

I. That all applicants shall be required to give specific assent to the doctrinal and governmental provisions of the Adopting Act, which requires acknowledgment of the Scriptures of the Old and New Testaments as the Word of God, the only infallible rule of faith and practice, of the Westminster Confession of Faith and Catechisms as containing the system of doctrine taught in the Holy Scriptures, and of the principles of Presbyterian Church Government as being founded upon and agreeable to the Word of God.

II. That all applicants shall satisfy Presbyteries as to their character and piety, and their motive for seeking admission into the ministry of this church.

Committee on Home Missions

In keeping with the enthusiasm which was evident at all of its sessions, the General Assembly made plans to go forward with an extensive missionary program. A Committee on Home Missions and Church Extension was elected with power

. . . to appoint a secretary and establish an office, to receive and disburse contributions for the support of home missionaries or pastors whose congregations require aid. It shall further have power, after the adjournment of the present General Assembly and until the next General Assembly to act as a Commission of the General Assembly to enroll as charter members ministers received by the presbyteries to be erected in accordance with the terms of the enabling act, such reception being subject to the veto of the next General Assembly, and to erect presbyteries. It shall have general power to engage in the presentation of the cause of the Presbyterian Church of America and to take such measures as may be necessary for the prosecution of its work before the next General Assembly.

Its members are S. J. Allen, J. O. Buswell, Jr., D.D., C. K. Cummings, E. C. DeVelde, E. H. Rian, C. S. Smith, C. J. Woodbridge, P. Woolley (ministers); G. H. Clark, Ph.D., E. B. Cooper, C. W. Clelland, J. W. Dulles, B. W. Tennant (ruling elders). Among the actions taken by this Committee during the Assembly were the appointment of the Rev. Edwin H. Rian as General Secretary, and the erection of two presbyteries, the Presbytery of Philadelphia and the Presbytery of New York and New England.

Status of Officers and Members

A far-reaching action affecting the status of every officer and member of the Presbyterian Church of America

was introduced by the Rev. David Freeman and unanimously adopted by the Assembly. It was determined that:

The first General Assembly of the Presbyterian Church of America, having had brought before it questions concerning the status of certain persons under its jurisdiction, and being cognizant of the facts in these cases, does authoritatively declare and adjudicate as follows:

1. The final judgments of the 148th General Assembly of the Presbyterian Church in the U.S.A. in Judicial Cases 1-5 before that body, were in our judgment, contrary to the Bible, to the Protestant genius of the Reformed Churches, and in violation of the Constitution of the Presbyterian Church in the U.S.A. These judgments amounted to a substitution of the word of man for the Word of God. Since any action of any judicatory which is contrary to the Word of God cannot be held to be the lawful act of a church which acknowledges the Bible as its primary standard, we believe the action in these cases to have been void *ab initio*, and to have been merely a pretended adjudication.

2. Concerning those ministers, parties in the cases cited above, who are now under the jurisdiction of the Presbyterian Church of America, this General Assembly hereby formally declares them to be ministers of the Gospel in this church in good and regular standing with all the rights, privileges and duties pertaining to lawfully ordained ministers.

3. Since certain ministers now under our jurisdiction did, on June 8, 1936, withdraw from the body claiming and bearing the title of The Presbyterian Church in the U.S.A., and did send notice thereof to the presbyteries of that body in which they had until then been members, be it declared and adjudged by this General Assembly

(a) That it is the inalienable right of any minister, elder, deacon, or layman to withdraw from any body claiming to be a branch of the visible church of Christ, such withdrawal to be immediately effective, if in the judgment of the person concerned there are sufficient reasons for such action. To deny this right is to affirm that a member of an essentially voluntary religious body may be held in it against his will, which would, we believe, be a denial of the first principles of civil and religious liberty.

(b) That any so-called infliction of ecclesiastical censure made by any body upon persons who have before the alleged infliction of such censure severed their connection with the organization in question is only a pretended infliction, null and void entirely.

(c) That any further action on the part of any of the judicatories claiming the name and rights of the Presbyterian Church in the U.S.A. against any minister, elder, deacon, or member of this church will be deemed an unwarranted, presumptuous, and unlawful interference by one religious body in the internal affairs of another. Ministers, elders, deacons, and members of the Presbyterian Church of America are under the sole and exclusive ecclesiastical jurisdiction of the judicatories of this church.

Ecclesiastical actions concerning them by the courts of any other religious body are hereby declared null and void.

4. All censures inflicted by courts of the Presbyterian Church in the U.S.A. upon any of the defendants in Judicial Cases 1-5 mentioned above who are now connected with this church, are by the action of this Assembly, as the supreme judicatory of this church, terminated, lifted, and declared at an end.

5. The provisions of this action are hereby declared to extend to all parties concerned who shall become ministers or members of the Presbyterian Church of America, thus submitting to its jurisdiction, before the next General Assembly.

Status of Local Properties

The Presbyterian Church of America has insured for the future the rights of congregations to retain their local properties through the adoption of the following articles:

(1) All particular churches now connected with The Presbyterian Church of America, and all particular churches which shall hereafter exist under its jurisdiction shall be entitled to hold, own and enjoy their own local properties, without any right of reversion to The Presbyterian Church of America whatsoever, save as is hereinafter provided.

(2) The property of any particular church shall revert to The Presbyterian Church of America only if, as and when the said particular church should become extinct. Dissolution of a particular church by any judicatory, or any other form of ecclesiastical action shall not be deemed as making a particular church extinct within the meaning of this act.

(3) This act shall not be construed as limiting or abrogating the right of the judicatories of this church to exercise all constitutional and proper authority over the particular churches as spiritual bodies.

(4) This act shall be deemed to possess, upon its adoption by this Assembly, of full constitutional force and effect.

Other significant decisions:

It was determined that a committee of three be appointed by the moderator to initiate and conduct upon behalf of this Assembly correspondence with other churches throughout the world holding the reformed system.

It was determined that the charter ministerial membership rolls of the Presbyterian Church of America be kept open until and including the sessions of the next General Assembly.

It was determined that this Assembly declare that in setting up local congregations the Presbyteries shall observe that a minimum number of ten communicant members, associating themselves together, shall be required for the existence of a congregation.

It was determined that a committee of six be appointed to consider recommendations relating to the field of Christian Education, and to report to the next General Assembly. This Committee consists of: (ministers) C. K. Cummings, N. B. Stonehouse, J. P. Clelland, R. L. Atwell, R. L. Harris, and (Ruling Elder) G. H. Clark.

The Moderator was asked to appoint a Committee on Foreign Missions to be composed of six members with the Moderator as a seventh member *ex officio*, which Committee shall take under its consideration the foreign mission interests of the Presbyterian Church of America, and make suggestions to local congregations as to their foreign missions giving and to the next Assembly as to a permanent foreign missions program.

It was determined that the roll of charter members of the Presbyterian Church of America should be held open until the next General Assembly.

Ordination of Candidates

One of the high points of the Assembly was reached on Sunday night when seven candidates were solemnly ordained to the gospel ministry. These men, all graduates of Westminster Theological Seminary, are Carl A. Ahlfeldt, Robert K. Churchill, Bruce A. Coie, Calvin K. Cummings, Frank L. Fiol, A. Culver Gordon and R. Laird Harris. All of these were previously licensed by the Assembly with the exception of Mr. Harris, who had been licensed by the New Castle Presbytery of the Presbyterian Church in the U.S.A. in 1935, and Mr. Fiol who was licensed on Saturday afternoon by the newly-erected Presbytery of Philadelphia. The Assembly entrusted the examination of these candidates in all branches except theology to a committee consisting of the Rev. A. A. MacRae, Ph.D., the Rev. G. W. Mars-ton, and the Rev. L. W. Sloat. All of these men were heartily recommended by the committee, and all passed a splendid examination in theology on the floor of the Assembly. The Rev. John P. Clelland conducted the examination in theology for the Assembly.

Dr. Machen's Sermon

A large crowd heard these men take their ordination vows at the closing service of the Assembly on Sunday night. The Moderator preached the sermon, which was received with enthusiasm. Taking as his text Acts 20:28, "The Church of God which He hath purchased with His own blood," Dr. Machen contrasted the large army of the Presbyterian Church in the U.S.A., and "the little group of weak and simple folk" that make up the Presbyterian Church of America. He said that Christian people were being tempted to remain in the old organization to do evil that good may come: "Just acquiesce for a little moment to these unchristian mandates, just keep silent for a little

while about the Modernism of the Boards, and then you can later preach the gospel to large congregations as you will." The Presbyterian Church of America, he went on to describe as "a real branch of the Church universal, a real part of the Church of God. It is not that because it has made itself that, but because Christ has bought it with His own precious blood. With that confidence and only that, boasting only in the cross of Christ, it goes forward, opposed to the world but at peace with God, to preach the only gospel that can really bring salvation to the souls of men."

Other Meetings

Other stirring messages were delivered to the Assembly at the evening meetings. At the meeting on Thursday night the Rev. Edwin H. Rian and the Rev. Charles J. Woodbridge were the speakers. Mr. Rian, on the background of an historical survey of the development of the Reformed churches from Calvin to the present time, made a plea that the Presbyterian Church of America should maintain its Calvinistic witness by holding fast to the Confession of Faith in its purity, avoiding union with unreformed bodies, and taking care to exercise discipline. Mr. Woodbridge made a plea that the Church should look forward to a time of revival, outlining the factors in the Presbyterian Church in the U.S.A., which excluded a true revival and calling for a devotion to the truly Biblical conception of evangelism.

On Friday night, at the Spruce Street Baptist Church, Dr. Buswell spoke refreshingly of his sense of release and joy at being in the new association, and described the bewilderment and delusion of those who were staying in the old organization. Dr. Van Til made a moving plea that the Church should be filled with a holy enthusiasm for its task of providing nurture for its youth that is truly Christian. Other features of the convention that are worthy of mention are the charge to the newly ordained ministers at the Sunday service by the Rev. Professor A. A. MacRae, Ph.D., the informal addresses on Friday afternoon by delegates from former Chapters of the Covenant Union, and the devotional exercises which preceded each business session.

The Next Assembly

Philadelphia was chosen as the

place where the next General Assembly will convene. The time: November 12-15, 1936. An important action governing the constituency and powers of that assembly follows:

The following persons shall be accounted accredited commissioners to that General Assembly:

1. Every minister in the Presbyterian Church of America.
2. One elder from every particular church in that communion, such particular churches to be formed in a manner to be prescribed by this Assembly.

That General Assembly shall have power to adopt the Constitution of the Presbyterian Church of America.

Striking reactions to the first General Assembly: Many remarked that this Assembly was the first really *de-liberative* assembly in which they had ever participated. All were greatly impressed with the unflinching courtesy, patience and impartiality of the Moderator.

Roll of the Assembly

Ministers

- Dean W. Adair, Philadelphia.
- Samuel J. Allen, Carson, N. D.
- Philip duB. Arcularius, Duryea, Pa.
- Robert L. Atwell, Harrisville, Pa.
- J. Oliver Buswell, Jr., Wheaton, Ill.
- John P. Clelland, Wilmington, Del.
- Peter De Ruiter, Nottingham, Pa.
- Everett C. DeVelde, New Park, Pa.
- Franklin S. Dyrness, Quarryville, Pa.
- David Freeman, Philadelphia.
- Robert H. Graham, Middletown, Del.
- H. McAllister Griffiths, Philadelphia.
- Frank Hamilton, Ventnor, N. J.
- Robert Moody Holmes, Philadelphia.
- Bruce F. Hunt, Philadelphia.
- J. Mulder Kooyers, Athens, Wis.
- Luther Craig Long, New Haven, Conn.
- J. Gresham Machen, Philadelphia.
- Allan A. MacRae, Philadelphia.
- George W. Marston, Oxford, Pa.
- Arthur F. Perkins, Merrill, Wis.
- Edwin H. Rian, Philadelphia.
- J. F. Minor Simpson, Frederick, Md.
- Leslie W. Sloat, Ridgebury, N. Y.
- Clifford S. Smith, Bridgeton, N. J.
- N. B. Stonehouse, Philadelphia.
- John Burton Thwing, Philadelphia.
- Kelly Grier Tucker, Port Kennedy, Pa.
- Robert J. Vaughn, Chicago, Ill.
- Edward L. Wade, Windham, N. Y.
- Henry G. Welbon, Newark, Del.
- Charles J. Woodbridge, Philadelphia.
- Paul Woolley, Philadelphia.
- Leonard S. Pitcher, Wildwood, N. J.
- Charles C. Sterrett, Columbia, S. C.
- Albert B. Dodd, China.
- Carl Ahlfeldt, Indianapolis, Ind.
- Robert K. Churchill, Spokane, Wash.
- Bruce Coie, Bend, Ore.
- Calvin K. Cummings, Philadelphia.
- Frank L. Fiol, Baltimore, Md.
- Culver Gordon, Philadelphia.
- R. Laird Harris, Philadelphia.

Elders

- Edward B. Cooper, Bridgeton, N. J.
- Samuel H. Corliss, Philadelphia.

- J. Enoch Faw, Westfield, N. J.
- William H. MacCorkell, Philadelphia.
- John B. Wright, Philadelphia.
- Edwin W. Abbot, Luzerne, Pa.
- W. T. Benedict, Forestville, Pa.
- Gordon H. Clark, Philadelphia.
- C. W. Clelland, Grove City, Pa.
- James R. Cummings, Baltimore, Md.
- R. C. Duffy, Branchton, Pa.
- John Welsh Dulles, Philadelphia.
- Thomas R. Galbraith, Wyncote, Pa.
- Frank Blainer, Columbus, N. J.
- Harold W. Hillegas, Merrill, Wis.
- Allen R. Hood, Philadelphia.
- W. E. McBride, Harrisville, Pa.
- J. Herbert Rue, Merchantville, N. J.
- W. R. Sibley, Seattle, Wash.
- Bert W. Tennant, West Pittston, Pa.
- Andrew H. Wakefield, Philadelphia.
- John S. Wurts, Philadelphia.

In addition to the roll of voting members of the Assembly, the following persons who signified their inten-

tion of joining the Presbyterian Church of America were enrolled as associate members, and were given the privileges of the floor:

- Rev. Charles Dana Chrisman, R. D. 1, New City, N. Y.
- Rev. Leslie A. Dunn, Columbus, N. J.
- Rev. Lewis J. Grotenhuis, Phillipsburg, N. J.
- Rev. Robert S. Marsden, Middletown, Pa.
- Rev. John C. Rankin, Worcester, N. Y.
- Rev. Cornelius Van Til, Philadelphia, Pa.
- Rev. Robert L. Vining, Mifflinburg, Pa.
- Rev. Peter F. Wall, Chester, N. Y.
- Rev. Walter V. Watson, Syracuse, N. Y.
- Ruling Elder George B. Crippen, Worcester, N. Y.
- Ruling Elder Samuel Scott, Williams-town, N. J.

A Modern Allegory

Reviewed by the Rev. HENRY G. WELBON

THE PILGRIM'S REGRESS, by C. S. Lewis, Sheed & Ward, Inc., New York. Printed in England, 1935.



Mr. Welbon

IN SPITE of the title this is a modern pilgrim's progress. The author calls it, "An allegorical apology for Christianity, Reason and Romanticism." We understand that he is an Englishman who is a Roman Catholic. He speaks frankly concerning the Anglo-Catholic, but little of his own theology can be traced in the book. Each of the ten sections of his work is prefaced with a paragraph which interprets for the reader what is to follow.

"Pilgrim's Regress" should appeal to those who like brief and pithy characterizations of various philosophical thought. There is little attempt to conceal the characters or the localities in the story, and the words they use fit perfectly. The account is in no way local but deals with the fallacies of various philosophies throughout the world today. There is no endeavor to moralize or preach. The facts are presented as they are, clearly and briefly, in the form of allegory and the truth is brought home by lucid arguments in simple and direct sentences. The reader cannot help but see the self-evident truths as presented by the author and have a great interest in the progress of John, the pilgrim. All of this is without bitterness.

The story begins with a boy who lived his youth in Puritania. He is taken to the Steward (the priest) who gives him a card of rules and tells him about the Landlord and the Black Hole. As the boy grows he is dissatisfied with these teachings and yields to sensual pleasure. The author leads his character from there through Romantic Poetry, Materialism, Morality, Common Sense, and then he advances to some of the harder and higher systems of thought. One of the clever comparisons is that which describes people who are ill with parrot disease. Many readers will find the passage dealing with Modernism the most interesting part of the book. Our agreement with the author is nowhere so clearly stated as in the preface to this section where he says, "From 'broad-church' modernist Christianity (which turns out in practice to be little more than a kindlier version of common sense and its fair-weather optimism) he rapidly passes to philosophical idealism" (p. 137). The pilgrim is invited by Mr. Broad to a tea on the lawn. In speaking of Mr. Sensible as a friend Mr. Broad says, "I am inclined to set less and less store by mere orthodoxy. So often the orthodox view means the lifeless view, the barren formula. I am coming to look more and more at the language of the heart" (p. 147). One of the high points of this passage is when John

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Syracuse Swan Song: The 148th General Assembly

(Continued from Page 112)

cheerfully tack on to any order, no matter how contrary to the Bible, the words "This is agreeable to the Word of God, therefore obey it." The prosecutors all argued that there must be a living "supreme court" and that this Supreme Court was the General Assembly. They ignored the last great clause of Chapter One of the Confession of Faith, "The Supreme Judge, by whom all controversies of religion are to be determined, and all decrees of councils, opinions of ancient writers, doctrines of men, and private spirits, are to be examined, and in whose sentence we are to rest, can be

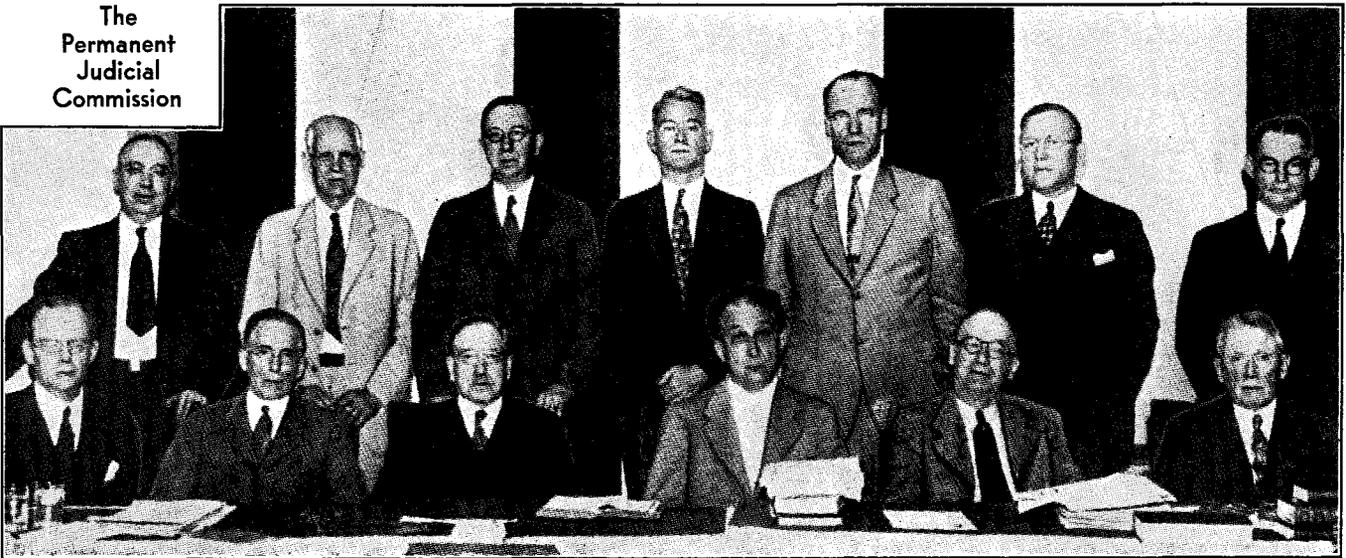
answer of Protestantism to Rome. But this great Protestant idea, the pivot on which the whole Reformation swung, the ruling forces of the Presbyterian Church in the U.S.A. seem absolutely unable to grasp. They are obsessed with the idea that there must be a living court with supreme power over the souls and consciences of men, a court that can order implicit obedience to its own administrative orders, and which, if the person ordered pleads the Bible and conscience, has a right to override that conscience with its own authority. If the present writer had to be in that kind of

choice, as another avenue has, in the providence of God, been opened.

Auburn Affirmationists in Control

The Assembly, then, cannot be understood unless one sees it as the stage set for the conflict between these two mutually exclusive conceptions of what the Church is. Before the Judicial Commission those of us who argued for the position plainly set forth in the Constitution of the Church, had flashes of optimism. The clash of principles was so clear, the Constitution so plain, the argument of the prosecution so limping whenever it came even temporarily within hailing distance of the Constitution, that we, facing the thirteen men upon whom it

The
Permanent
Judicial
Commission



Seated, left to right, are W. Hall Harris, Jr., Baltimore, Md.; the Rev. Herbert K. England, Roselle, N. J.; Judge Clifford L. Hilton, St. Paul, Minn., moderator; the Rev. Robert Hastings Nichols, Auburn; Albert Reed, Denver, Colo., and the Rev. W. W. John-

Dallas, Tex., and George C. Abernathy, Shawnee, Okla.

stone, Chicago, Ill. Standing, left to right, the Rev. Herbert Booth Smith, Los Angeles, Calif.; the Rev. Archibald Cardle, Burlington, Ia.; James H. Adams, Omaha, Neb.; C. D. Barr, Birmingham, Ala.; the Rev. William B. Lampe, St. Louis, Mo.; the Rev. Floyd Poe,

no other but the Holy Spirit speaking in the Scripture." In short, the argument of the prosecution, the argument which, as will appear, won the assent of the Judicial Commission and the Assembly sitting as a court, is essential Romanism. It is Romanism without the Pope, to be sure, but it is the essential Romanist principle just the same. The arguments for the position of the majority were the very arguments which Rome has used with its whole force for three hundred years. What the defense set forth was a Church which voluntarily subordinates itself to the Bible as being both true and supreme: which is the classic

Church he should certainly prefer the Church of Rome to a Protestant body which has ignorantly repudiated its central principle. For from the dignity and tradition of the Roman Church he would know what to expect, nor would there be any pretense about what was actually happening. That would be better than being under the thumb of allegedly Protestant bureaucrats engaging in their customary manipulation of almost a thousand commissioners in the yearly mass meeting that goes under the name of "The General Assembly." The present writer is happy, however, to report that it was not necessary to make this

all depended, could scarcely envisage them as actually deciding against us. These delusions of grandeur, however, were rudely dispelled when the Commission made its report upholding the prosecution at every point in every case, lock, stock and barrel. Had we reflected, however, we should have seen how hopeless it all was. Four of the seven ministerial members of the Commission were signers of the Auburn Affirmation. That document poured scorn on the doctrine of an inerrant Bible. The doctrine of an inerrant Bible is at the very foundation of the doctrine of the Westminster Confession concerning the *authority*

of the Bible. What else could we expect than that men who have given up belief in the factual inerrancy of the Scriptures should disagree with those who wish to give it a place of absolute and supreme authority? And when one escapes from the absolute and sole authority of the Bible there is only one other place in which to lodge it—in some form of the word of man. In this case, these modernists and the rest of the Commission found it convenient to discover that authority in the voice of the Church. They did not say that the Church is infallible, but the logic of their position is, that if it must be implicitly obeyed, it *must* be infallible.

Assembly Atmosphere

There are the real actors of this Assembly. What of the stage?

I have referred to the Assembly as a mass meeting. You simply cannot consider nearly a thousand commissioners, unfamiliar with the functioning of such a body as most of them are, hurried from vote to vote by a docket which reads like the timetable of a fast express, deluged with oratory and near oratory from the platform,—you simply cannot consider them, I say, as a deliberative body. Further, one must consider the atmosphere in which such an Assembly meets. Before it opens, upon the city selected descends an array of officialdom. They make contact with the press, the radio, the local Churches. Preaching appointments for Sunday in Assembly week are arranged for the faithful—to the organization. The Pre-Assembly conferences are arranged, and when the advance guard of commissioners begins to filter in, officialdom is ready for it. These conferences are addressed by big men of the Church, or else by imported great names whose zeal for Christ and evangelism are so fervent as to make the commissioners think they are on a great spiritual mountain-top. The leaders clothe themselves in an armor of halos, and later, if anyone dares question their wisdom, the plain man is almost tempted to think that these rash persons are opposing the Lord's anointed and the Lord's cause. The so-called popular meetings each evening are presented in the interest of the official Boards and agencies. Upon the platform roams a horde of secretaries and officials. They address the Assembly constantly—more than the Assembly is addressed by its own

members. They are called upon at frequent intervals to give the Assembly the benefit of their weighty counsel. Almost every bit of the commissioner's time is taken up with hearing somebody speak, from the time he arrives until the time he leaves. The general impact of these conferences, speeches and popular meetings is very simple: "the work of the Church" is identified with the machinery of the church as organized and administered by those in power. The new moderator of the Syracuse Assembly expressed this, undoubtedly with wholly unconscious crassness, when he said in an interview with the Assembly Daily News that "The main purpose of each Assembly is the furtherance of the work of the Church through the Boards which it creates and controls." Nor is it any reflection upon the rank and file of the commissioners to say that only the toughest-minded and forewarned could possibly escape the rhythmic effect of this mental goose-step.

Jobholders and Jobhoppers

One other fact ought to be mentioned. The bureaucracy of the Presbyterian Church in the U.S.A. is well entrenched. It is a mere truism of politics that the ones who rule are the ones who hold the jobs. The reference, of course, is to paid jobs. Under the items of "promotion," "administration" and "general expense" the four Boards spend well over a million dollars annually. More than a half-million more is spent by the Board of Christian Education under the heading "service and field activities." The office of the General Assembly costs sixty thousand dollars annually, exclusive of the cost of the Assembly. Not all of this money is spent for salaries, etc., but a large proportion of it is. Hundreds of persons are on the rolls as paid jobholders. They form a political nucleus that is of potent force.

But there is another class supporting the bureaucracy. It may be described as the "jobhoppers." They represent the gentlemen who are outside the gates of paid office, looking in. But they have hopes of getting in. Getting in, they know, depends upon their willingness to vote "right" and talk "right" for those in power. Doubtless most of these expectant ones believe that they are seeking the glory of God. But he would be a person of only dull intelligence who could not perceive that in the Presbyterian

Church in the U.S.A., ambition to gain place and power, ambition to keep power once it is acquired, are great and powerful motives in shaping the actions of men. And when wrongs are done, tangible rewards bulk large, and the risk of losing one's livelihood is a persuasive argument for keeping silence. This is even more true since the organization has steadily been increasing its hold over pastors of Churches. I do not mean to infer that men always consciously betray their convictions to seek official favor. Rather, they are far more likely to find those convictions being subtly molded and shaped by their official associations and ambitions.

The 148th General Assembly was predominantly composed of men who were known to be "safe" for the organization. That was taken care of in the Presbyteries. Those who represented the constitutional point of view were hopelessly outnumbered. And though factions might appear within the organization, they were always united to beat back the small conservative minority.

Opening Service and Sermon

On Thursday morning, May 28th, the Assembly was opened in the spacious auditorium of the Central High School, called the Lincoln Auditorium. The sermon, a typical product of modernist phrasing and thinking, was preached by the retiring moderator, Dr. Joseph A. Vance. Significant excerpt:

In the third place, we shall blunder sadly in the use of this revelation if we do not keep in mind its *progressive* character. It has broken on the world like the dawning glory of a new day. The human race could not have received it otherwise. The gray streaks of light began to follow the promise of a seed to bruise the serpent's head when a pilgrim from Ur of the Chaldees began to converse with a friendly God who would share his meal as well as accept his offering. Symbol and sacrifice made truth clearer and disclosed the loving fatherhood of God, until in Jesus Christ and him crucified, God's love gift to all men, tribal favoritism disappeared in an everlasting and universal love that abolished sex and race and class, and embraced every son of Adam in the spirit-born subjects of the Kingdom of God.

Ethical standards, all conceptions of human duties, grew apace with this clearer vision of God, and the end of this quest for truth went out of sight, even beyond the disclosures of God in Christ's incarnation. "I have yet many things to say unto you, but ye cannot bear them now," said Jesus; and ever since he went away the Holy Spirit has been leading us on.

Into what follies of biblical interpretation forgetting this progressive character of the Christian revelation has plunged us! Old Testament standards of morality do not fit New Testament times. "It shall be more tolerable for Sodom and Gomorrah in the day of judgment than for Capernaum," because the latter knew better. Commands for the conduct of Canaanitish wars will not do for twentieth century people; and punctilious observance of the law must give way to the constraint of love, if we are to escape becoming Pharisaical and our lives are to please God.

After the sermon came the Lord's Supper, impressive as always. Yet for the writer it seemed nearly blasphemy for modernist and evangelical, heretic and believer, to sit down together at that holy feast. Over that service and over the whole Assembly hung an invisible pall, the wrath and disfavor of God, as expressed in His Word, upon an inclusive Church. How can unbelief and faith, sitting down together, expect the favor of God upon common effort? What kind of common effort is it, in which faith and unbelief can join? Whatever it is, it certainly cannot be Christian effort. And this is said with the kindest of feelings toward individuals. To say less would be to ignore the central disease that has gripped a once great Christian Church.

Dr. Master Elected Moderator

On Thursday afternoon the Assembly convened for the election of a moderator. Everybody knew that the election was "in the bag" for Dr. Henry B. Master, that the word had gone out for the Secretary of the Pension Board. That worthy was nominated by the Rev. Mark Allison Matthews, D.D., of Seattle. Dr. Matthews delivered a polished, quiet, adequate address, but his heart was obviously not in it. Dr. Frank M. Silsley, of Chicago, nominated the Rev. Frederick L. Selden, D.D., Auburn Affirmationist pastor of Chicago's Ravenswood Church, and member of the judicial commission that convicted Dr. J. O. Buswell, Jr. Dr. Silsley was excited to start with. He grew more excited as he went on. He made an impassioned plea for a pastor as moderator, charged that the election "had been determined for months," declared for "cleaner elections" and engaged in a form of emotional rabble-rousing that might have been effective if it had not been so overdone and if the members had not mostly pledged their votes to Dr. Master already. The first five minutes

was effective in its way, the second five minutes was ridiculous.

The conservative candidate was presented by the Rev. David H. Curry, of Philadelphia, who quietly and with transparently deep earnestness nominated the Rev. Samuel J. Allen, of Carson, N. D., as "one who not only preaches the gospel, but who votes for it as well." It was made plain that his candidacy was that of the consistent constitutional conservative group.

Ruling Elder A. O. Oyan, of Werner, N. D., in the Presbytery of Bismarck, seconded Mr. Allen's nomination in such a sincere and heartfelt way that he received an ovation. In effect he said, "I know this man. I love him. He preaches and lives the gospel. If you knew him, you would love him too." Nobody could help respecting that. Dr. Selden's nomination was seconded by the Rev. C. Carson Bransby of the Presbytery of Council Bluffs in a speech that used a good many words to say a grand total of nothing and whose ornateness fell very flat after Mr. Oyan's effective simplicity. The nomination of Dr. Master was seconded by Dr. Arnold H. Lowe, of St. Louis, in what was probably the most effective work of the day, viewed as a piece of speaking. He wanted to know, in answer to Dr. Silsley, "What is this about secretaries? Do they belong to the legion of the damned?"

Results of the balloting:

Election			
Section	Master	Selden	Allen
1	14	15	8
2	23	5	4
3	24	9	3
4	37	9	5
5	30	6	8
6	31	2	6
7	23	12	8
8	22	11	5
9	18	18	7
10	30	8	3
11	10	30	2
12	19	19	7
13	12	9	16
14	15	14	9
15	12	19	7
16	20	12	1
17	39	7	2
18	30	7	3
19	28	4	8
20	32	3	5
21	18	18	3
22	21	14	6
Total	508	251	126

Two ballots were spoiled, one by being voted blank, and another by being voted for Dr. Matthews. The total vote was 887. 444 being necessary for election, Dr. Master was declared elected. On a motion being made to make the election unanimous, there was a considerable chorus of "Nos" as moderator Vance, speaking with the speed of light after having heard the affirmative votes, said "Allthoseopposedsaynothemotioniscarried." If the motion is put down as unanimous in the minutes it will be a great triumph of mind over matter.

Unusually significant is the fact that Mr. Allen, known to all as the candidate of those on the defensive in the Assembly, received so many votes. Still more noteworthy is the fact that he received them from every voting section. The conservative cause is not, as has been represented, geographically localized. It is national in its constituency.

FRIDAY

The Moderator, through the Stated Clerk, announced the appointment of Chairmen of Standing Committees, as follows:

- Bills and Overtures—Rev. Mark A. Matthews.
- National Missions—Rev. George Taylor, Jr.
- Foreign Missions—Rev. Arnold H. Lowe.
- Christian Education—Rev. Alva Vest King.
- Pensions—Rev. Paul S. Johnson.
- Polity—Rev. Frederick Schweitzer.
- Theological Seminaries—Rev. Wallace Harper Carver.
- Finance—Ruling Elder Edgar H. Evans.
- Mileage—Ruling Elder Nelson C. Works.
- Leave of Absence—Rev. Frederick W. Cropp, Jr.
- Synodical Records—Rev. Ralph J. Lamb.
- Nominations of Members of General Council—The Moderator.
- Nominations of Members of Permanent Judicial Commission—Rev. Stanley A. Hunter.
- Resolution of Thanks—Rev. Robert L. McLeod, Jr.
- Social Welfare—Rev. John E. Kuzenga.

Moderator Master announced his appointment as Vice Moderator of Ruling Elder Hallock C. Sherrard of the Presbytery of Pittsburgh. Mr. Sherrard is moderator of the Permanent Judicial Commission of the Synod of Pennsylvania, is an elder in the Shadyside Church of Pittsburgh (Dr. Hugh T. Kerr, pastor) and is

counsel for *The Presbyterian Banner*.

The Assembly then listened to the report of the Department of Church Cooperation and Union, given by Dr. J. Ross Stevenson, its longtime chairman. Further action on a proposal to allow ministers to be ministers of both the Presbyterian Church in the U.S. and the Presbyterian Church in the U.S.A. was postponed indefinitely, as was a proposal from the Presbytery of Santa Barbara, that there be some arrangement made with the Episcopal Church enabling Presbyterian ministers to act as ministers of that Church.

The routine report of the office of the Stated Clerk was adopted, as was the recommendation from the General Council that Dr. Lewis S. Mudge be continued as Stated Clerk of the Assembly until August 24, 1938, when, if he lives, he will have attained the retiring age of seventy years.

The General Council's committee on united promotion then occupied the time of the Assembly for a considerable period. A number of speakers were heard who presented various financial plans.

The Assembly in almost one breath disapproved a request from the Presbytery of Portland that all workers employed by the Boards and agencies should sign a statement of belief, and in answer to an overture from the Presbytery of Chester declared that "only authors of known evangelical belief and evangelistic zeal should be selected by the Missionary Education Movement to write Mission Study textbooks." This latter polite but meaningless sop to evangelicalism was opposed by Auburn Affirmationists W. P. Merrill of New York, and Stanley A. Hunter of Berkeley, Calif. I say "meaningless" because the General Assembly is obviously not going to make any attempt to control the selection of these writers or to censor their products. But nice resolutions come cheap.

First Report of the Judicial Commission

The Permanent Judicial Commission then presented its first series of judgments, all in non-judicial cases—that is, cases arising from complaints against the actions of certain presbyteries. The first six non-judicial cases were dealt with as follows (Dr. Herbert B. Smith read Cases 1 and 2; Dr. Herbert K. England read Case 3; Dr. William B. Lampe read Case 4;

Dr. Floyd Poe read Case 5; Dr. Robert Hastings Nichols read Case 6.):

These, and all following reports, have been carefully proof-read. All apparent rhetorical or grammatical errors are those found in the original documents.

NON-JUDICIAL CASE No. 1

This is a complaint against the action of the Synod of Pennsylvania in dismissing the complaint of Edwin Rogers et al against the Presbytery of Lackawanna in its action respecting Rev. Henry W. Coray. The action complained against was taken by the Presbytery on September 26, 1934.

NON-JUDICIAL CASE No. 2

This complaint refers to the aforesaid case and the reasons given in its support are the same as those alleged in Non-Judicial Case No. 1; the difference being that the action complained of in this case was taken by the Presbytery on November 12, 1934. Therefore the two cases are treated together, as they both refer to the same matter.

The history of the case is as follows:

Early in the summer of 1934 announcement was made of the fact that the Rev. Henry W. Coray, pastor of the Presbyterian Church at West Pittston, Pennsylvania, intended to request the Presbytery of Lackawanna to dissolve the pastoral relation existing between him and his church in order that he might proceed to China as a missionary under the care of the Independent Board for Presbyterian Foreign Missions. Shortly thereafter an informal conference was held between certain members of the Presbytery, pastor and session of the church, in which it was suggested that the Presbytery would very probably decide against such dissolution under the circumstances. Nevertheless a request was presented to the Presbytery of Lackawanna at its stated meeting on September 26, 1934, by the Rev. Mr. Coray and the session of the West Pittston Church for such dissolution, the same to take effect on October 1, 1934. The following recommendations were adopted and become the action of the Presbytery:

"In view of the action of the General Assembly with reference to the Independent Board for Presbyterian Foreign Missions, and in view of Mr. Coray's acknowledged intention to go out as a missionary under this so-called Board, if released from the pastorate of the West Pittston Church, we would recommend that the Presbytery should not dissolve the pastoral relation between Mr. Coray and the West Pittston Church.

"We would further recommend that, in view of the action of the General Assembly condemning this so-called Board as a repudiation of the jurisdiction of the General Assembly, and of those terms of fellowship and communion contained in the Constitution of the Presbyterian Church, and instructing ministers and laymen affiliated with the Presbyterian Church in

the U.S.A. to sever their connection with this Board, and further, in view of the action of the Presbytery enjoining its members from assisting this Board, the Presbytery notify Mr. Coray that if he leaves his field of labor under this so-called Board, his act will be interpreted as 'becoming independent,' according to the Book of Discipline, Chapter 7, Section 2B, and the Presbytery will proceed to erase his name from the roll."

A complaint against this action was duly lodged with the Synod of Pennsylvania and the same was referred to its Permanent Judicial Commission for hearing and decision. On November 19, 1935, after hearing the complainants and respondent, the Permanent Judicial Commission decided that the Presbytery of Lackawanna was entirely within its discretionary rights in refusing to dissolve the pastoral relation and to give Mr. Coray the privilege of laboring in another field, and dismissed the complaint. It is against this decision that this complaint is lodged with the General Assembly.

With reference to the second complaint: at an adjourned meeting of the Presbytery of Lackawanna, held November 12, 1934, a representative of the session of the West Pittston Church presented a request that inasmuch as Mr. Coray had left the church, the pulpit be declared vacant. This request was granted, a representative of the Presbytery being appointed to declare the pulpit vacant November 18, 1934; a moderator of the session being designated; and permission was given the session to supply the pulpit of the church until the next stated meeting of Presbytery. A motion was then adopted that the name of Mr. Coray be erased from the roll of the minutes of the Presbytery. The Stated Clerk was instructed to send Mr. Coray a notice of the above action. A complaint against this action was duly lodged with the Synod of Pennsylvania and referred by it to its Permanent Judicial Commission. On November 19, 1935, a decision was arrived at, dismissing the complaint and sustaining the action of the Presbytery of Lackawanna "in the erasure of the name of Henry W. Coray from its roll." It is against this decision that the complaint is made to this Assembly.

The main issue in this case concerns the jurisdiction of a Presbytery over a minister in relation to his field of labor, and its right to insist that he shall respect the authority of the Presbytery. The Presbytery of Lackawanna, in its refusal to dissolve the pastoral relation between Mr. Coray and the West Pittston Church, exercised an authority which has been consistently employed by presbyteries throughout our entire church history. Questions involving the Independent Board for Presbyterian Foreign Missions are not an essential feature of this case. The field of labor to which the minister in question went has nothing whatsoever to do with the constitutional question involved, nor does his conviction of a divine call to the mission field. It is incumbent upon a Presbyterian minister to follow the procedure set down in the

Constitution relative to dissolution of the pastoral relation. Form of Government, Chapter 10, Section 7, says: "The Presbytery has the power to install, remove and judge ministers." The power to remove also includes the power to refuse removal when such course seems wise.

The second question involved in this case concerns the right of a Presbytery to erase a name from its roll. In the case before us the Synod of Pennsylvania sustained the Presbytery of Lackawanna in its interpretation of the action of Mr. Coray as "becoming independent" and therefore approved its erasure of his name from its roll. The complainants insist that Mr. Coray had no desire to "become independent," but rather to remain a member of the Presbytery in spite of his departure without the dissolution of the pastoral relation.

It is the opinion of the Permanent Judicial Commission that the Presbytery of Lackawanna would have been warranted in preferring charges of insubordination against Mr. Coray and citing him for trial. Under discretion granted to the Presbytery, it decided to follow, instead, the procedure set forth in the Book of Discipline, Chapter 7, Section 2B, which is as follows: "When a minister, not otherwise chargeable with an offense, renounces the jurisdiction of this Church, by abandoning the ministry, or becoming independent, or joining another body not deemed heretical, without a regular dismissal, the Presbytery shall take no other action than to record the fact and to erase his name from the roll."

It is therefore the judgment of your Permanent Judicial Commission that the action of the Synod under all the circumstances was justified, and that the complaints be and they hereby are dismissed.

Mr. Lewis M. Stevens, of the Synod of Pennsylvania, was not present and took no part in the hearing and decision of this case.

NON-JUDICIAL CASE No. 3

Complaint of
CHARLES SCHALL
vs.

THE SYNOD OF PENNSYLVANIA
in re its decision, dated November 19, 1935, respecting the Complaint of Jas. B. McGettigan et al vs. the Presbytery of Chester, relating to the adoption of the minority report of the Special Judicial Committee appointed to investigate certain matters with reference to "The Independent Board for Presbyterian Foreign Missions."

The Presbytery of Chester, being directed by the General Assembly of 1934 to institute disciplinary action against Rev. W. M. Smith, D.D., one of its members, for his refusal to resign from the Independent Board for Presbyterian Foreign Missions, placed the matter in the hands of a Special Judicial Committee for consideration and report.

On January 22, 1935, the committee submitted a majority and a minority report, the latter being adopted by vote of 50-22 and recommending no action in view of the following conclusions:

(1). "That the Rev. W. M. Smith,

D.D., is charged with having committed 'a disorderly and disloyal act' such as would subject him to the discipline of the church, a charge based on a direction of the General Assembly that the members of the Independent Board for Presbyterian Foreign Missions sever their connection with said Board."

(2). "That this direction of the General Assembly is unquestionably in conflict with the revealed will of God, and therefore not in accord with Chapters I and VII in the Form of Government, and charges based upon it do not form probable ground for an accusation against the accused; and, if they were formulated on the basis of the papers, documents and records and should be proved, they would not constitute an offense subjecting the accused to discipline."

Against this action of the Presbytery of Chester a notice of complaint to the Synod was given on January 31, 1935, by Jas. B. McGettigan et al, and on March 2, 1935, there was filed with the Stated Clerk of the Synod of Pennsylvania a complaint supported by the following reasons:

(1). That the action of the Presbytery of Chester in adopting a minority report recommending no action with reference to the relationship of the Rev. W. M. Smith, D.D., to "The Independent Board for Presbyterian Foreign Missions" was in direct contravention of the specific directions of the 146th General Assembly of the Presbyterian Church in the U.S.A. (Meeting at Cleveland, Ohio, May 24-30, 1934.)

(2). That the action of the Presbytery of Chester in voting to adopt the minority report of its Judicial Committee was improper and irregular, and not in accordance with the provision of the Constitution of the Presbyterian Church in the U.S.A.

(3). That the Presbytery of Chester misused and abused its discretionary power in voting to adopt a minority report recommending no action with reference to the relationship of the Rev. W. M. Smith, D.D., to the Independent Board for Presbyterian Foreign Missions.

On November 19, 1935, the Synod of Pennsylvania, through its Permanent Judicial Commission, sustained the complaint and directed that the record be remitted to the Presbytery of Chester, with direction to proceed in obedience with the mandate of the General Assembly to institute action against Rev. W. M. Smith, D.D., for his refusal to sever his connection with the Independent Board for Presbyterian Foreign Missions.

It is against this action that this complaint is lodged.

There are four grounds given in support thereof:

I. That this exclusion of all constitutional argument on the part of the Respondents by the ruling of the Permanent Judicial Commission of the Synod of Pennsylvania was not in accordance with the Constitution of the Presbyterian Church in the U.S.A.

II. That the exclusion of all arguments of the Respondents as to the constitutional involvements by the Permanent Judicial Commission was arbitrary and inequitable, inasmuch as the charges made against the Presbytery of Chester by the Complainants were based on constitutional questions, on which the Complainants grounded their arguments: yet the Respondents were barred by the ruling of the Permanent Judicial Commission, thus making the presentation of the defense of the Presbytery impossible, inasmuch as it is indisputable that charges supported by constitutional arguments can be refuted only by constitutional arguments.

III. That the Synod erred in remanding the case to the Presbytery of Chester for trial, forasmuch as the said Presbytery had fully and in a constitutional manner met the requirements of the General Assembly, and any further action should be undertaken by a higher court, inasmuch as the Presbytery of Chester, in adopting the minority report had rendered as its final judgment that "if charges formulated on the basis of the papers, documents and records" were proved, they would not constitute an offense, subjecting the accused to discipline.

IV. That as a consequence of having refused the constitutional presentation of the Respondents, the Permanent Judicial Commission erred in declaring by implication that the Presbytery had censured "the actions of a higher judiciary."

It is the opinion of the Permanent Judicial Commission that upon none of the grounds set forth can the complaint be sustained. When the Presbytery of Chester was called upon by the General Assembly to redress the situation wherein one of its members continued to be a member of the Independent Board for Presbyterian Foreign Missions in disobedience to the express direction of the General Assembly of 1934, and refused to take such disciplinary action as would be necessary to apply a remedy, it was competent for the Synod of Pennsylvania as the court of superior authority to direct the Presbytery of Chester to carry out the directions of the General Assembly in their full intent, and the Synod of Pennsylvania so acted in complete conformity with the requirement of the Constitution of the Church.

It is, therefore, the judgment of the Permanent Judicial Commission that the complaint in this case be, and it is hereby, dismissed, and the decision of the Synod of Pennsylvania be and it is hereby affirmed.

Mr. Lewis M. Stevens, of the Synod of Pennsylvania, was not present and took no part in the hearing and decision of this case.

NON-JUDICIAL CASE No. 4 BEFORE

THE PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY

A Complaint

REV. WILLIAM P. FULTON, REV.

OSWALD T. ALLIS ET AL
AGAINST

THE SYNOD OF PENNSYLVANIA

for its action in sustaining the complaint of Rev. Joseph B. C. Mackie and thirty-six others against the decision of the Presbytery of Philadelphia to license candidate John W. Fulton.

The records of this case show that on March 4, 1935, the Presbytery of Philadelphia examined John W. Fulton for licensure. In the process of the examination the moderator of the Presbytery ruled out of order certain questions asked of the candidate by members of the presbytery. On appeal his decision was sustained by a majority of those present, and after discussion, by a vote of sixty-two to thirty-five, the presbytery voted to license Mr. Fulton. Dr. Mackie then gave notice of complaint to Synod, and an official count of the presbytery showed one hundred and ten members present. The motion then prevailed to proceed at once with licensure, which motion was carried into effect.

On March 14th the written notice of complaint was received by the Stated Clerk of the Presbytery of Philadelphia, and within the required time the complaint, with thirty-seven signatures, was lodged with the Stated Clerk of the Synod of Pennsylvania. At its meeting in June, 1935, the Synod referred the complaint to its Permanent Judicial Commission, which in a decision rendered on November 19, 1935, sustained the complaint, and invalidated both the licensure and the subsequent ordination of candidate John W. Fulton, which took place on April 3, 1935, and remanded the case to the Presbytery of Philadelphia for appropriate action. Against the decision of the Synod Rev. William P. Fulton and others have complained to the General Assembly.

In support of their complaint it is urged that the Synod committed the following errors:

1. It failed to "take cognizance of and give proper value to certain important facts in the records of the case."

2. It erred "in its decision that the complaint against the action of the presbytery in licensing candidate John W. Fulton served as a stay."

3. It erred "in its decision that the ordination of candidate John W. Fulton was invalid."

4. It erred in its decision that the licensing of candidate John W. Fulton failed to safeguard the peace of the church.

An examination of the record failed to reveal any grounds for the first specification of error, and it is not sustained.

The second specification of error deals with the claim of certain members of the Presbytery of Philadelphia that their complaint against the decision to license, signed by thirty-seven of the one hundred and ten members present, constituted a stay upon presbytery, making null and void its action in licensure and ordination. Book of Discipline, Ch. 12, Sec. 15, reads as follows: "Whenever a complaint is entered by at least one-third of

the members recorded as present when the decision is made, . . . the execution of the decision shall be stayed until the final issue of the case in a higher judicatory." The record shows that there were one hundred and ten members recorded as present when the decision was made, and that thirty-seven of these members signed both the notice and the complaint.

It is the contention of the complainants that this did not constitute a stay for the following reasons:

1. Rev. Frank Werner, who was one of the thirty-seven signers of the complaint, had spoken and voted in favor of the license, and he was therefore barred from complaining against it. The Permanent Judicial Commission does not find that this objection is sustained by any law of our church in the matter of a complaint. Rather, the right to complain is distinctly given to every member of a judicatory, even to those not present when an action complained of is taken. It is quite possible that a member who has been favorable to an action would desire it to be reviewed by a higher court.

2. It is claimed that even if Rev. Frank Werner had a right to sign the complaint, his name should not be counted, for the reason that some days subsequent to his signing the complaint he wrote to the Stated Clerk of the Presbytery requesting that his name be erased from the complaint. The Stated Clerk of Presbytery forwarded this letter to the Synod with other papers in the case.

The Synod of Pennsylvania refused to allow the name to be withdrawn on the grounds of the manifest unfairness of the request. The Permanent Judicial Commission agrees with the action of the Synod of Pennsylvania. When any member of a judicatory attaches his name to a notice of complaint, what is effected by his signature becomes more than a personal matter. To allow such withdrawal would invite undue pressure upon the signers of complaints to withdraw their names, and would bring ultimate confusion in the due exercise of discipline.

3. It is claimed that, even if there were thirty-seven names upon the complaint when it reached the Stated Clerk of the Synod, there was no formal notice of such complaint when the presbytery proceeded to license Mr. Fulton, and therefore could have been no stay at that point.

The Permanent Judicial Commission holds that when the Presbytery of Philadelphia licensed Mr. Fulton when notice of complaint against the decision to license had been given on the floor of presbytery and more than a third of the members voting had voted against the motion to license, its action was so clearly contrary to the spirit and intent of the constitutional provision for stay of the action of a judicatory that the licensure must be deemed to have been unconstitutionally given, and therefore to have been void from the beginning.

Therefore the second specification of error is not sustained.

The Synod of Pennsylvania has de-

cided that the ordination of Mr. Fulton was invalid. The Permanent Judicial Commission holds that the stay of licensure, by implication, arrested the presbytery from taking any further steps toward the induction of the candidate into the ministry. The presbytery therefore acted with undue haste and manifested a spirit of insubordination in proceeding to the ceremony of ordination, and the ordination therefore is deemed invalid from the beginning.

Therefore the third specification of error is not sustained.

The fourth specification of error is against the decision of the Synod of Pennsylvania that in licensing candidate John W. Fulton the Presbytery of Philadelphia failed to safeguard the peace of the church. The Permanent Judicial Commission sustains the complaint on this specification. The General Assembly has held that "the Principle of the Constitution is that a Presbytery, in conformity to the constitutional requirements, is the sole judge regarding licensure and when a Presbytery is satisfied it may proceed to license."

However the Permanent Judicial Commission does find that the complaint of Rev. Joseph B. C. Mackie et al against the decision of the Presbytery to license candidate John W. Fulton was justified because of the attitude of the moderator, upheld by the Presbytery, in not permitting certain questions to be asked by members of Presbytery from the floor, which made it impossible for them to be satisfied concerning the acceptability of the candidate for licensure.

It is therefore the judgment of the Permanent Judicial Commission that the complaint be and is hereby dismissed, and that the decision of the Synod of Pennsylvania be, and is hereby, sustained. The attempted licensure and ordination of John W. Fulton are declared to have been invalid, and the case is remanded to the Presbytery of Philadelphia for appropriate action in conformity with this decision.

Mr. Lewis M. Stevens of the Synod of Pennsylvania was not present and took no part in the hearing and decision of this case.

NON-JUDICIAL CASE No. 5

This is a complaint against the decision of the Synod of Pennsylvania in dismissing the complaint of George N. Marston et al against the action of the Presbytery of Donegal in refusing to take action rescinding certain resolutions adopted by the Presbytery on September 18, 1934.

It appears from the records in this case that on September 18, 1934, the Presbytery adopted certain resolutions urging church members to support the Boards of the church through their contributions; and urging churches not to ordain any man as elder "who is not heartily in sympathy with the great missionary and benevolent 'ways' that the Boards of the church are carrying on"; and resolving, as a Presbytery, not to "ordain any man or install any man as pastor over any of its churches, who can-

not whole-heartedly lead his church in supporting the work of giving Christ to the world and winning the world to Christ that our beloved Presbyterian Church is carrying on."

On April 14, 1935, the Presbytery of Donegal refused to rescind these resolutions. Against this action Rev. George Marston et al complained to the Synod of Pennsylvania. On November 19, 1935, the Synod of Pennsylvania, through its Permanent Judicial Commission, dismissed this complaint. Against this action of the Synod complaint is made to the General Assembly.

With reference to the first two resolutions complained of, the Permanent Judicial Commission holds that the Presbytery of Donegal was acting within the powers given to it by the Constitution of the church. See Ch. 10, Sec. 7, Form of Government.

With reference to the third resolution complained of, the law of the church sets forth in detail the questions that are to be asked in the acts of licensure and ordination. See Form of Government, Ch. 14, Sec. 8; Ch. 15, Sec. 12. But preceding the act of licensure or ordination, of which these questions are an integral part, a Presbytery has a right to satisfy itself with reference to the fitness of the candidate. The General Assembly of 1935 in the Blackstone-Kauffroth case decided that "a Presbytery cannot be required to add to or modify the Constitutional requirements for licensure." Minutes of the General Assembly, 1935, page 86. This means that no higher judicatory can require a Presbytery to add to or modify the Constitutional questions prescribed for the acts of licensure and ordination. This decision, however, does not preclude a Presbytery from satisfying itself concerning the fitness of the candidate before it comes to the acts of licensure or ordination in any reasonable manner that it may determine.

The Permanent Judicial Commission holds that the Presbytery of Donegal was exercising its rightful authority in the resolution complained of.

Therefore it is the judgment of the Permanent Judicial Commission that the action of the Synod of Pennsylvania in dismissing this complaint be, and hereby is sustained, and that the complaint be, and hereby is dismissed.

Mr. Lewis M. Stevens of the Synod of Pennsylvania was not present and took no part in the hearing and decision of this case.

NON-JUDICIAL CASE No. 6

This is a complaint of the Rev. H. McAllister Griffiths et al against the Synod of Pennsylvania for its action in sustaining the complaint of the Rev. W. L. Buchanan et al against the Presbytery of Philadelphia for its action in receiving into membership the Rev. J. Gresham Machen.

At the regular meeting of the Presbytery of Philadelphia on March 5, 1934, the Committee on Candidates, Credentials and Unemployed Ministers recommended that the Rev. J. Gresham Machen be received on a certificate from the Presbytery of New Brunswick. After a

motion so to receive him had been made and seconded, attempts were made by members of the presbytery to question Dr. Machen regarding his attitude toward the Board of Foreign Missions, his relation to the Independent Board for Presbyterian Foreign Missions, an organization not responsible to the General Assembly, and his purpose in seeking admission to the Presbytery of Philadelphia. The Moderator ruled that Dr. Machen was not obliged to answer these questions. It is evident from the record that there was much confusion and disorder. It is also evident that the presbytery did not secure to members who attempted to ask proper and pertinent questions of Dr. Machen opportunity to propound their questions and receive answers.

Finally, after the above-mentioned confusion and disorder, the recommendation of the committee was adopted by a record vote of 78 to 48. Against this action complaint to the Synod of Pennsylvania was made in due form by 44 members, more than one-third of those recorded as present at the time of the action. The complaint therefore had the effect of a stay under Chapter XII, Section 15, of the Book of Discipline.

This complaint came before the Synod of Pennsylvania at its meeting in June, 1934, and on the recommendation of the Committee on Judicial Business action on it was postponed to the next regular meeting of the Synod. Against this postponement complaint was made to the General Assembly of 1935 by the Rev. Oswald T. Allis et al. The General Assembly dismissed the complaint.

Consequently at the meeting of the Synod of Pennsylvania in June, 1935, the complaint against the Presbytery of Philadelphia was considered. It was referred to the Synod's Permanent Judicial Commission for hearing and determination. The question before this commission was whether the Presbytery of Philadelphia took proper action regarding the recommendation of its committee that the Rev. J. Gresham Machen be received into membership on certificate from the Presbytery of New Brunswick. The Synod's commission sustained the complaint against the Presbytery of Philadelphia, and ordered that the record be remitted to the presbytery for action in conformity with its decision. Against this action of the Synod complaint is now made on these grounds:

1. Examination of a minister bringing a letter from another presbytery is discretionary, not mandatory.
2. If the contention of the complainants is sustained, then examination of ministers coming from other presbyteries becomes mandatory.
3. The alleged irregularity and confusion in the conduct of the meeting of the presbytery, if proved to have existed, cannot be held to invalidate the action of the presbytery in seating a member and allowing him to vote.
4. No real injustice to the minority is shown in the original complaint.
5. The question whether the Presbytery of Philadelphia did or did not err

in including Dr. Machen's statement in its minutes has nothing to do with the question whether it did or did not err in receiving him into membership.

6. The correspondence of Dr. Machen with Dr. Hyndman and Dr. Shultz shows that everything was done to bring Dr. Machen's letter of transfer openly and properly before the presbytery.

7. The questions put to Dr. Machen were improper, being quite contrary to the constitution of the church.

The statement of the law of the church on the essential subject here under consideration made by the Permanent Judicial Commission of the Synod of Pennsylvania seems to this Permanent Judicial Commission so satisfactory that it is here adopted, as follows:

"It is clear that Presbytery must judge of the fitness of its members, and it is the right of every Presbytery to be entirely satisfied as to the proper qualifications of those ministers who apply to be admitted into the Presbytery as members. This is shown by the following action of the General Assembly of 1835:—

'RESOLVED, that in the judgment of this General Assembly, it is the right of every Presbytery to be entirely satisfied of the soundness in the faith, and the good character in every respect, of those ministers who apply to be admitted into the Presbytery as members, and who bring testimonials of good standing from sister Presbyteries, or from Foreign bodies with whom the Presbyterian Church is in correspondence. And if there be any reasonable doubt respecting the proper qualifications of such candidates, notwithstanding their testimonials, it is the right and may be the duty of such a Presbytery to examine them, or to take such other methods of being satisfied in regard to their suitable character as may be judged proper, and if such satisfaction be not obtained, to decline receiving them. In such case it shall be the duty of the Presbytery rejecting the applicant to make known what it has done, to the Presbytery from which he came, with its reasons, it being always understood that each Presbytery is in this concern, as in all others, responsible for its acts to the higher judicatories.'

—1835 Minutes—Page 485

—1930 Digest, Vol. 1—Page 185

"There are several like authorities, and this right rests upon the general power conferred upon a Presbytery 'to judge ministers,' as found in Form of Government, Chapter X, Section VII. This appears still more clearly from the report of the Special Commission of 1925 as follows:—

'The result is that a minister is received throughout the Presbyterian Church and is recognized by the General Assembly solely upon the ground that he is so received and so recognized by a particular Presbytery. No other Presbytery is obliged to admit him into its membership by a letter of transfer. It has full au-

thority to examine him as to his faith and to inquire into his conduct before receiving him. It has the right to refuse him admittance if it deem him unworthy or unqualified."

—1927 Minutes—Page 64

—1930 Digest, Vol. 1—Page 159

In order that the presbytery may be entirely satisfied respecting a member of another presbytery presenting a certificate of membership and seeking admission into its body, obviously opportunity must be given to the members of the presbytery to ask proper questions of the applicant for membership. Obviously also questions concerning the applicant's attitude toward the organizations of the church and his reason for seeking admission into the presbytery are proper.

It is evident from the record that the Presbytery of Philadelphia did not secure to members seeking to propound proper questions to Dr. Machen reasonable opportunity to do this. Thus a right of theirs as members of the presbytery was denied. It is evident also that the whole proceeding was pervaded by prejudice and unfairness. This appears from the manner in which the vote to adopt the committee's recommendation regarding the reception of Dr. Machen was taken. It was moved that a record vote be taken. This was voted down by 56 to 44. A point of order was made that Section XXVII of the Standing Rules for Judicatories requires a record vote when this is asked by one-third of those present. The moderator found the point of order not well taken. On appeal this decision was sustained. Only after a member of the majority called attention to the irregular character of those proceedings was a record vote finally taken.

The record further shows that Dr. Machen did not answer the proper questions asked by members of the presbytery. This appears from his own statement, offered at the next meeting of the presbytery on April 2nd, and ordered to be appended to the record of the meeting on March 5th. This order was irregular, for complaint against the reception of Dr. Machen on March 5th was pending before the Synod. The presbytery should not have added a month later an *ex-parte* statement to the record.

The Permanent Judicial Commission is of the opinion that the Presbytery of Philadelphia erred in not securing to its members opportunity to ask proper questions of the Rev. Dr. Machen. Under our law a presbytery is the judge of the qualifications of its members, and it has discretion as to whether or not it will examine applicants for membership presenting certificates from other presbyteries and other recognized denominations. But this discretion cannot be construed to mean that members of the presbytery are to be denied opportunity to ask proper questions of applicants, or that a majority may prevent inquiry into their qualifications. Hence it appears that the first and second grounds of complaint are without merit.

Regarding the other grounds of complaint alleged, it is the opinion of the Permanent Judicial Commission:

That the third, fifth and sixth grounds are without merit, because not relevant to any issue in the case:

That the fourth is without merit, since the record shows that substantial injustice was done to the minority of the presbytery;

That the seventh is without merit, since the questions put to Dr. Machen were proper.

It is therefore the judgment of the Permanent Judicial Commission that the complaint be and it is hereby dismissed, that the action of the Synod be and it is hereby affirmed, and that the Presbytery of Philadelphia be and it is hereby directed to take notice that the Rev. J. Gresham Machen is not a member of the Presbytery of Philadelphia and is still a member of the Presbytery of New Brunswick.

Mr. Lewis M. Stevens, of the Synod of Pennsylvania, and Dr. Herbert K. England, of the Synod of New Jersey, were not present and took no part in the hearing and decision of this case.

The procedure upon the presentation of a preliminary report of the Permanent Judicial Commission is starkly simple. There is no debate. The Moderator of the Assembly simply asks: "Shall the preliminary judgment of the Permanent Judicial Commission be made the judgment of the General Assembly?" In each case the judgment was approved overwhelmingly, but in each of the cases involving the Independent Board or the same principles, there were many negative votes, scattered but solemnly and bravely cast.

In Non-judicial Case 7, which was the complaint of the Rev. J. Norris McDowell *et al*, against the Presbytery of Philadelphia, for voting to bring its Independent Board-connected members to trial, the Commission upheld the presbytery in one sharp sentence: "It is the opinion of this Permanent Judicial Commission that the Synod of Pennsylvania was justified in dismissing the complaint on the ground that a lower judicatory cannot be complained against for obeying the orders of a superior judicatory."

Non-judicial Case 8, which was a complaint of William A. Chamberlin *et al*, against the Presbytery of West Jersey for voting to appoint a committee to bring the Rev. Carl McIntire to trial, was decided in favor of the Presbytery in exactly the same words as were used in Case 7. It is noteworthy, however, that the Commission said nothing about the "stay" involved in the complaint. Far more than the one-third necessary had

signed it. In the Fulton Case and in the Machen Reception Case, where actual existence of a stay was to say the least, doubtful, the matter was decided on the basis of the supposed "stay" against the persons involved. In the McIntire Case complaint, a clear stay was ignored. It all depends on who you are, whether a stay is really a stay. The Commission also decided in Non-Judicial Case 9 that in the matter of the Presbytery of West Jersey not receiving a protest, the action of the Synod was final since it did not involve any constitutional issue.(!) It also decided that the Synod of New Jersey had not adjudicated the Cooper brothers' licensure case, and sustained the Presbytery of West Jersey in Non-judicial Case 16 in its action rescinding an overture concerning Modernism in the official Board of Foreign Missions.

SATURDAY

Saturday morning was occupied by the Assembly with a mass of odds and ends. One noteworthy bit of sidestepping was done, however, in answering an overture from the Presbytery of Hudson concerning dancing and card-playing in Church buildings. The Assembly said: "Implications of deliverances of General Assembly would indicate that uses of Church properties for other than spiritual purposes should be consistent with the purposes for which such properties were acquired and dedicated." Which left the inquirers from the Presbytery of Hudson exactly where they were.

SUNDAY

Sunday was spent in worship and comparative quiet. The Moderator, of course, occupied the Park Central Church (Host Church) in the morning. Various other worthies were stationed here and there. Due to the untiring efforts of the Rev. Walter Vail Watson, of the First Ward Church, Syracuse, a number of evangelicals had preaching places. Dr. Machen preached in the morning in the First Ward Church, which is the oldest Presbyterian Church in Syracuse and, under the ministry of Mr. Watson, one of the most spiritual and active. Defining the issue before the Assembly, Dr. Machen said significantly: "At first sight it may seem strange that Modernism and tyranny should be thus associated. Modernists like to talk of liberty, but in reality, Modernism and tyranny are twin sis-

ters. Once give up the Bible as your real authority and once adopt the central modernist notion that the interpretation of the Bible must necessarily change from age to age and it becomes necessary, if anarchy is to be averted, that the authority taken from the Bible should be given to the ecclesiastical group."

The sermon by Dr. Master was a carefully "safe" dissertation on the uniqueness of Christ, which completely ignored the central issue of the authority of the Bible versus that of man.

MONDAY

On Monday morning came the routine report of the Standing Committee on Christian Education. Fraternal Delegates were heard. But the great event of the day was the report of the Permanent Judicial Commission on the Independent Board Cases.

The Great Betrayal

Amid a deep silence, the members of the Commission came to the platform. Everyone knew that the great hour of the Assembly had struck. The future course of a vast religious body was to be determined. The air had been full of rumors. Almost everyone who did any guessing opined that the Commission would do something very clever, like declaring the "mandate" of 1934 unconstitutional but convicting the defendants on other grounds, and perhaps giving them another chance to resign. That the verdicts would be favorable to the organization had been apparent since Friday's judgments in the Non-judicial cases. But what would the judgments actually say?

The first case was Judicial Case 1, in which five persons connected with the Independent Board had been tried together. They were, Messrs. Griffiths, MacPherson, Rian, Woolley and Woodbridge. The judgment was read by the Rev. Albert Reed. For a few moments it seemed as if the Commission were going to convict the defendants but declare the "mandate" out. They had no intention of so doing, however, as was shown by the subsequent judgments. Case 2, the McIntire Case, was delivered by C. D. Barr. In it the "mandate" was clearly and sweepingly upheld. It is at this point, as the present writer understands it, that the Church, by action of its highest court, in clear and unequivocal language took a position that dethroned the Lord Jesus Christ

as only Head and King of His Church. Case 3, was the Machen Case, and was read by James H. Adams. This was the end of the Independent Board cases for the day. Each conviction was solemnly affirmed. To the writer came the honor—and he does sincerely consider it an honor—of being the first one ordered suspended because he obeyed God rather than man. Yet one could not at the same time be other than heartsick that the light of a once great Church had been so extinguished. And mingled with all the mixed emotions of that day was the memory of the promise of God that His Church would go on until Jesus comes again, if not in one visible form, then in another. He will never leave His truth without a witness, no matter how imperfect or sinful or unworthy those bearing that witness may be. Those whose "convictions" were thus affirmed had not thirsted for martyrdom nor had they desired that men should dishonor Christ. But when it happened they simply took it from His hand, thanking Him for His grace, and knowing that He is able to make the wrath of man to praise Him. And they knew from that hour that they would have to continue their witness to the full truth of God apart from a body that had rejected it.

Text of the three judicial cases is as follows:

JUDICIAL CASE NO. 1

BEFORE

THE PERMANENT JUDICIAL COMMISSION OF THE GENERAL ASSEMBLY IN THE MATTER OF

The Presbyterian Church in the U.S.A. vs.

H. McAllister Griffiths, Merrill T. McPherson, Edwin H. Rian, Paul Woolley, and Chas. J. Woodbridge

This is a group of five appeals by H. McAllister Griffiths, Merrill T. McPherson, Edwin H. Rian, Paul Woolley and Chas. J. Woodbridge, individually, members of the Presbytery of Philadelphia, from the decision of the Synod of Pennsylvania, suspending them from the office of ministers in the Presbyterian Church in the U.S.A. Since the charges and specifications in each case are identical, except for names of defendants, the Permanent Judicial Commission of the General Assembly treats them as one Judicial Case, all parties consenting.

The General Assembly of 1934 issued a deliverance concerning the Independent Board for Presbyterian Foreign Missions, concluding with the following directions to its officers and judicatories:

1. That 'The Independent Board for

Presbyterian Foreign Missions' be and is hereby directed to desist forthwith from exercising any ecclesiastical or administrative functions, including the soliciting of funds, within the Synods, Presbyteries, the particular churches and the mission stations of the Presbyterian Church in the U.S.A.

"2. That all ministers and laymen affiliated with the Presbyterian Church in the U.S.A. who are officers, trustees or members of 'The Independent Board for Presbyterian Foreign Missions' be officially notified by this General Assembly, through its Stated Clerk, that they must immediately, upon the receipt of such notification, sever their connection with this Board, and that refusal to do so and a continuance of their relationship to the said Independent Board for Presbyterian Foreign Missions, exercising ecclesiastical and administrative functions in contravention of the authority of the General Assembly will be considered a disorderly and disloyal act on their part and subject them to the discipline of the church.

"3. That Presbyteries, having in their membership ministers or laymen, who are officers, trustees or members of 'The Independent Board for Presbyterian Foreign Missions,' be officially notified and directed by this General Assembly, through its Stated Clerk, to ascertain from said ministers and laymen within 90 days from the receipt of such notice as to whether they have complied with the above direction of the General Assembly, and in case of refusal, failure to respond, or non-compliance on the part of these persons, to institute or cause to be instituted promptly such disciplinary action as is set forth in the Book of Discipline."

The Presbytery of Philadelphia on January 7, 1935, elected a Special Committee on Judicial Business, which considered, among other items, the cases of the above-mentioned five ministers, all of whom were affiliated with the Independent Board for Presbyterian Foreign Missions. This Special Committee reported to the Presbytery of Philadelphia on June 24, 1935, recommending that Presbytery institute judicial action against these ministers, in accordance with the direction of the Assembly of 1934, as provided in the Book of Discipline. At a subsequent meeting on June 28, 1935, an effort was made to postpone action until the direction of the General Assembly of 1934 should be found to be constitutional and should be so confirmed by the General Assembly sitting as a court of Jesus Christ. This effort, being in form a substitute motion, was defeated, whereupon its mover, Dr. McDowell, gave notice of complaint to the Synod of Pennsylvania against the judicial action proposed. The Chairman of the Committee on Judicial Business then read the charges, which were as follows, each of them being supported by three specifications:

1. Acts in defiance and contravention of the government and discipline of the Presbyterian Church.
2. The failure to be zealous and faithful in maintaining the peace of the church.

3. The refusal of subjection to one's brethren in the Lord.

4. The violation of ordination vows.

5. Rebellion against superiors in the church in their lawful counsels, commands and corrections.

6. Breach of lawful promises.

It is to be noted that the charges against these appellants do not in any wise involve questions of faith or doctrine.

The Presbytery of Philadelphia did not, however, try these cases, but adopted the following resolution:

"The Presbytery of Philadelphia respectfully represents to the Synod of Pennsylvania that in the case of the Presbyterian Church in the U.S.A. against the Rev. (here follows in each case the name of one of the accused), in consequence of the deep-seated factional spirit manifest in Philadelphia Presbytery, which would make it doubtful as to whether justice could be rendered; and since the issue involved is one of great delicacy and of supreme importance to the entire denomination, and since the trial of the case within the Presbytery of Philadelphia would jeopardize the work of Christ in the churches that would be involved, it appears to be highly desirable to remove the matter from the jurisdiction of the Presbytery to that of the Synod. The propriety of this course will more fully appear from the minutes of the Presbytery. . . . The Presbytery asks leave, therefore, totally to relinquish the decision and to submit the whole case to the final judgment of the Synod."

Thus the cases were referred to the Synod of Pennsylvania for adjudication.

The Synod of Pennsylvania transmitted the cases to its Permanent Judicial Commission, and hearings on the same were begun on November 18, 1935. Rev. H. McAllister Griffiths, acting for himself individually and as counsel for the other four accused, presented a paper to the Permanent Judicial Commission of the Synod on November 19, 1935, affirming that the accused appeared under protest before it and without admitting its jurisdiction over them, for the following reasons:

1. The Permanent Judicial Commission of the Synod of Pennsylvania has no power to hear or decide cases not transmitted to it by the electing judicatory, that judicatory in this case being the 54th Synod of Pennsylvania, which was dissolved June 21, 1935. Hence the reference of cases arising between sessions of the judicatory to its Permanent Judicial Commission is unconstitutional.

2. The complaint against the proposed judicial action by the Presbytery constituted a stay.

3. The action of the 146th General Assembly with reference to the Independent Board for Presbyterian Foreign Missions was unconstitutional.

4. Any further benefit accruing to the defendants through irregularities is not waived, but reserved by them.

Challenges were made against four of the members of the Commission alleging disqualification for various reasons. These were considered and overruled. Each of

the accused entered a plea of "not guilty" and the trial proceeded. The chief contention in defense was that the deliverance of the 146th General Assembly was unconstitutional, and that, therefore, the accused were not bound to obey it. The Synod, through its Commission, held that a lower judicatory had no power to review or question the action of a higher judicatory; and furthermore, that the above action of the General Assembly was in full accord with the Constitution of the Presbyterian Church in the U.S.A. It further held that the accused, in organizing, maintaining and operating the Independent Board for Presbyterian Foreign Missions were in defiance of the government and discipline of the Presbyterian Church, irrespective of the above "mandate" of the Assembly; and that the Presbytery of Philadelphia could have and should have instituted disciplinary action on its own initiative. After mature deliberation, the Synod found each of the five accused guilty upon each of the charges and the specifications thereunder, suspending each and all of them from the exercise of the office of minister in the Presbyterian Church in the U.S.A. until such time as they should sever their connection with the Independent Board for Presbyterian Foreign Missions and should give satisfactory evidence of repentance; provided, however, that in case an appeal were taken to the General Assembly, the execution of the sentence should be suspended until such appeal should be decided. It is against this decision of the Synod of Pennsylvania that appeal is taken to this General Assembly.

The specifications of error are as follows:

I. That the Permanent Judicial Commission of the Synod of Pennsylvania was without jurisdiction to try ad interim cases.

II. That it refused to allow challenges against four of its members made by the defense.

III. That it rejected the offer of proof made by the defendants of their good faith, in this entire controversy; and their desire for the peace, unity and purity of the Church.

IV. That it failed to find the charges and specifications deficient in form and legal effect.

V. That it failed to declare the deliverance of the 146th General Assembly unconstitutional.

VI. That it found a verdict which was against the weight of the evidence.

VII. That it failed to dismiss the cases because of the lack of a presentation of a prima facie case by the prosecution.

VIII. That it entered a judgment against the defendants which was in violation of the law of the church and of the rights of the defendants guaranteed therein.

The first specification of error in this appeal concerns the constitutionality of the action of the Synod of Pennsylvania of 1935 in referring all administrative or judicial cases arising between the Synods of 1935 and 1936 to its Permanent Judicial Commission, by the adoption of

the following recommendation of the Committee on Judicial Business: "The Committee recommends that until the next regular meeting of the Synod of Pennsylvania, the Stated Clerk of the Synod be and hereby is directed to transmit to the Moderator and Clerk of the Permanent Judicial Commission for hearing and decision, all cases and specified documents thereof, which may come ad interim to the Synod of Pennsylvania on complaint, reference or appeal." (Minutes of Synod of Pennsylvania, 1935, page 65.)

The Permanent Judicial Commission holds that the Form of Government gives the Synod such power, as follows: "The Synod has power to receive and issue all appeals, complaints and references that are regularly brought before it from the Presbyteries, and to decide finally in such cases all questions that do not affect the doctrine or constitution of the church, provided that cases may be transmitted to Judicial Commissions, as prescribed in the Book of Discipline." (Form of Government, Chapter XI, Section 4.)

Therefore the Permanent Judicial Commission of the General Assembly holds that the reference of these cases to the Permanent Judicial Commission of the Synod of Pennsylvania was constitutional.

The second specification of error in the appeal affirms that the Permanent Judicial Commission of the Synod of Pennsylvania erred in not allowing the challenges against four of its members made by the appellants.

Rev. Roy F. Miller was challenged because he was a signer of the Affirmation of 1934, commonly called the Auburn Affirmation.

Rev. William M. Kieffer was challenged on the ground that he was a signer of one of the memorials to the 1935 General Assembly which resulted in the appointment of a Special Commission to visit the Presbyteries of Philadelphia and Chester.

Rev. Joseph L. Weisley was challenged because he had participated in the action of the Presbytery of Lackawanna concerning Rev. Henry W. Coray, in connection with which references were made to the Independent Board for Presbyterian Foreign Missions.

Rev. Wesley M. Hemphill was challenged because as a member of the Presbytery of Donegal he had participated in certain actions of the Presbytery.

The Permanent Judicial Commission of the General Assembly finds no evidence whatever that these members were prejudiced or in any wise disqualified from sitting in these cases.

Regarding the fifth specification of error, the Permanent Judicial Commission of the General Assembly holds that the charges and specifications were not deficient in form and legal effect.

The third specification of error questions the constitutionality of the Deliverance of the 146th General Assembly. The Permanent Judicial Commission of the General Assembly holds that this deliverance is not the determining factor in this case, and that the facts set out in the several charges, with specifications thereunder, constituted sufficient ground for

the decision of the Synod of Pennsylvania to proceed with judicial discipline against these appellants.

A group of Presbyterian ministers and laymen, including these appellants, organized the Independent Board for Presbyterian Foreign Missions, which avowedly aims at the solicitation of funds from Presbyterian sources for the work of a missionary agency not responsible to, but in competition with, a recognized agency of the General Assembly. The original application for the charter of this Board, made on January 29, 1934, names twenty-six persons as trustees, most of whom were ministers or members of the Presbyterian Church in the U.S.A. The charter sets forth plainly the fact that this Board is based upon the "Confession of Faith and Catechisms of the Presbyterian Church in the U.S.A." and "the fundamental principles of Presbyterian Church government." It further states that the purpose of this Board is to "encourage Presbyterian churches and individuals to support this Board" and to appoint and support missionaries in the foreign field.

The law of the church bearing upon such a situation is as follows: Form of Government, Chapter XXIII, discusses the organizations of the church, their rights and duties. The entire chapter reads as follows:

"I. The members of a particular church or particular churches may associate together, and may associate with themselves other regular members of the congregation or congregations, under regular forms of association, for the conduct of a special work for missionary or other benevolent purposes, or for the purpose of instruction in religion and development in Christian nurture.

"II. Where special organizations of the character above indicated exist in a particular church, they shall be under the immediate direction, control and oversight of the session of said church; where they cover the territory included within a Presbytery or Synod, they shall be responsible to the judicatory having jurisdiction; and where they cover territory greater than a Synod, they shall be responsible to the General Assembly.

"III. The names or titles of special organizations may be chosen by themselves, and the organizations shall have power to adopt each its own constitution and to elect its own officers, subject always to the powers of review and control vested by the Constitution in the several judicatories of the church."

The language of the above chapter makes perfectly clear the constitutional principle that any organization, which claims the power to carry on Presbyterian missionary work and for this purpose to solicit funds from the members of Presbyterian churches, must be under the control of the judicatory within whose territory it labors. It is furthermore expressly stated that when the operations of such an organization cover territory greater than that of a Synod,

it shall be responsible to the General Assembly.

Reference is made by the Synod of Pennsylvania to the document entitled "Studies of the Constitution of the Presbyterian Church in the U.S.A." adopted by the Assembly of 1934 (see Minutes of the General Assembly, 1934, p. 70-115), and also to the Deliverance of the General Assembly of 1934, found in the Minutes of the General Assembly of 1934, pp. 115-116. This Commission holds, however, that the Constitution of the Church, entirely aside from any deliverance of any General Assembly, demands disciplinary proceedings against ministers and church members who have organized a Board which has announced its purpose to solicit funds for Presbyterian missionary purposes throughout the church, and which is not responsible to the General Assembly.

To the fourth, sixth, seventh and eighth specifications of error, the Permanent Judicial Commission makes the following answer:

The record shows that the appellants, and other Presbyterian ministers and laymen, organized a Board for the conduct of Presbyterian foreign missions, without the permission of the General Assembly, for the purpose of paralleling and even opposing the agency which the General Assembly has maintained for almost a hundred years in the discharge of this particular responsibility. Further, this group, as the record shows, claims power to go into individual churches and presbyteries and solicit funds, power to appoint and support missionaries, free from the control of any ecclesiastical body.

The record further shows that the Independent Board, in connection with its activities, maintains a propaganda designed to discredit the Presbyterian Board of Foreign Missions and to divert money of Presbyterian churches therefrom. It is in the record that one of the appellants speaking for himself and three others, stated in a conference with the Special Judicial Committee of the Presbytery of Philadelphia that they would be satisfied only by the resignations of all the members and secretaries of the Presbyterian Board of Foreign Missions. This is a clear expression of the attitude of these appellants.

The record also shows that these appellants, in promoting the Independent Board for Presbyterian Foreign Missions, caused dissension and strife in the churches of the Presbytery of Philadelphia; that by their utterances, spoken and written, they engendered suspicion and ill will and disturbed the working of churches and church organizations; and that in general they seriously injured the peace of the church.

The Permanent Judicial Commission therefore does not sustain these four specifications of error.

It is the opinion of the Permanent Judicial Commission of the General Assembly that the appeals of H. McAllister Griffiths, Merrill T. McPherson, Edwin H. Rian, Paul Woolley, and Chas. J. Woodbridge should be dismissed.

It is therefore the judgment of the Permanent Judicial Commission of the General Assembly that the judgment of the Synod of Pennsylvania in the case of H. McAllister Griffiths be, and it is hereby affirmed. The Presbytery of Philadelphia is hereby directed immediately to pronounce sentence of suspension as provided for in Book of Discipline, Chapter IX, Sections 4 and 11.

It is the judgment of the Permanent Judicial Commission of the General Assembly that the judgment of the Synod of Pennsylvania in the case of Merrill T. McPherson be, and it is hereby affirmed. The Presbytery of Philadelphia is hereby directed immediately to pronounce sentence of suspension as provided for in Book of Discipline, Chapter IX, Sections 4 and 11.

It is the judgment of the Permanent Judicial Commission of the General Assembly that the judgment of the Synod of Pennsylvania in the case of Edwin H. Rian be, and it is hereby affirmed. The Presbytery of Philadelphia is hereby directed immediately to pronounce sentence of suspension as provided for in Book of Discipline, Chapter IX, Sections 4 and 11.

It is the judgment of the Permanent Judicial Commission of the General Assembly that the judgment of the Synod of Pennsylvania in the case of Paul Woolley be, and it is hereby affirmed. The Presbytery of Philadelphia is hereby directed immediately to pronounce sentence of suspension as provided for in Book of Discipline, Chapter IX, Sections 4 and 11.

It is the judgment of the Permanent Judicial Commission of the General Assembly that the judgment of the Synod of Pennsylvania in the case of Chas. J. Woodbridge be, and it is hereby affirmed. The Presbytery of Philadelphia is hereby directed immediately to pronounce sentence of suspension as provided for in Book of Discipline, Chapter IX, Sections 4 and 11.

Mr. Lewis M. Stevens, of the Synod of Pennsylvania, was not present and took no part in the hearing and decision of this case.

JUDICIAL CASE No. 2
OPINION AND JUDGMENT
PRESBYTERIAN CHURCH IN THE U.S.A.
Prosecutor

vs.
THE REV. CARL MCINTIRE
Appellant

The Rev. Carl McIntire, a member of the Presbytery of West Jersey, has appealed from judgment of the Synod of New Jersey affirming the decision of the Presbytery of West Jersey suspending him "from the Communion of the Church and from his office as a minister of the Gospel until such time as he shall resign from the Independent Board for Presbyterian Foreign Missions and shall give such further evidence of repentance as the Presbytery of West Jersey may deem adequate."

The records in this case show that the Presbytery of West Jersey, in carrying out the directions of the General As-

sembly relative to membership on the Independent Board for Presbyterian Foreign Missions did on April 23, 1935, prefer charges against the Rev. Carl McIntire, appoint a prosecuting committee and elect a Special Judicial Commission to try the case.

The trial by the Special Judicial Commission of West Jersey Presbytery began June 24, 1935, on the following charges:

1. "Disapproval, defiance, and acts in contravention of the government and discipline of the Presbyterian Church in the U.S.A."
2. "Not being zealous and faithful in maintaining the peace of the Church."
3. "Contempt of and rebellion against his brethren in the Church."
4. "Conduct unbecoming a minister of the Gospel."
5. "Advocating rebellion against the constituted authorities of the Church."
6. "Violation of his ordination vows."

The opinion and judgment of the Special Judicial Commission of the Presbytery of West Jersey, rendered August 10, 1935, declared the defendant guilty under charges 1, 2 and 6, and dismissed charges 3, 4 and 5. The judgment of the Special Judicial Commission of the Presbytery was:

"(1) that the defendant, the Rev. Carl McIntire, shall be suspended from the communion of the church and from his office as a minister of the Gospel until such a time as he shall resign from the Independent Board for Presbyterian Foreign Missions and shall give such further evidence of repentance as the Presbytery of West Jersey may deem adequate; (2) that this Commission recommends to the Presbytery of West Jersey that, if notice of appeal is given within ten days from this announcement of censure, the execution of judgment shall be suspended until the appeal is finally decided, provided, however, that the Presbytery of West Jersey shall through its Stated Clerk notify the Rev. Carl McIntire that the presbytery reserves the right to execute the sentence of suspension at any time, if, in its judgment, the honor of religion and the peace of the presbytery shall require it."

From this decision of the Presbytery of West Jersey the Rev. Carl McIntire appealed to the Synod of New Jersey, alleging 80 specifications of error as grounds of appeal. Twenty-one of these specifications of error were sustained and fifty-nine were not sustained by the Special Judicial Commission of the Synod. The Synod voted to sustain the judgment of the Presbytery, but modified the judgment by striking out the provision that made the sentence enforceable at any time at the option of the presbytery.

The Rev. Carl McIntire has appealed to the General Assembly from the judgment of Synod, and in the appeal has set forth forty-nine specifications of alleged error as grounds of appeal.

The Permanent Judicial Commission has examined the records of the trial in the Judicial Commissions of both

Synod and Presbytery, and finds that both trials were conducted so as to give the defendant or appellant a fair and impartial trial. The trial judiciary showed great patience and painstaking effort in the case.

The Permanent Judicial Commission is of the opinion that three essential questions are involved in the case.

1. Is the appellant guilty of an offense justifying the sentence of suspension from the ministry because of his refusal to obey the direction of the General Assembly of 1934 requiring "that all ministers and laymen affiliated with the Presbyterian Church in the U.S.A. who are officers, trustees, or members of the Independent Board for Presbyterian Foreign Missions be officially notified . . . that they must immediately . . . sever their connection with this Board"?

The refusal of the Rev. Carl McIntire to obey this direction of the General Assembly permeates this case and is specifically stated as a proof of guilt among other proofs. The Deliverance of 1934 is an executive order of the General Assembly, issued with reference to a particular situation that had arisen in the Presbyterian Church in the U.S.A., directed to a limited number of persons, and to the presbyteries concerned, for the purpose of securing definite action relating to those persons. It was the exercise of a power specifically conferred upon the General Assembly of "superintending the concerns of the whole church." Form of Government, Chapter XII, Section 5, and of having jurisdiction over organizations for missionary and other benevolent purposes "where they cover territory greater than a synod." Form of Government, Chapter XXIII, Sections 1 and 2. The General Assembly, exercising its constitutional power for the preservation of the unity of the church and protection of its missionary enterprise, made this deliverance. It does not either establish another term of ministerial communion or "bind the conscience," (Form of Government, Chapter I, Section 7, or add to the Constitution.) Offences must lie in the violation of some provision of the Constitution. It is perfectly clear that the Presbytery of West Jersey acted properly in instituting disciplinary action in obedience to the order of the Assembly, and was wholly within its constitutional rights and duties.

2. The records of the case show clearly that disciplinary action was instituted against the defendant by the trial judiciary on the ground that he was a member of the Independent Board for Presbyterian Foreign Missions. Membership in an independent agency or board is not in itself cause for disciplinary action. But the case is different in regard to the Independent Board. The formation of such a Board is forbidden by that provision in the Form of Government, Chapter XXIII, Section 2, which says that special organizations for missionary work, where they cover territory greater than a synod, "shall be responsible to the General Assembly." The formation of this Independent Board has done much to disturb the peace and unity of the church.

Its character as a rival agency to the Presbyterian Board of Foreign Missions, its declared purpose to gather funds from Presbyterian churches and hold them for its own uses without responsibility to the Presbyterian Church, its implied criticism of the officers and members of our Foreign Board, have all tended to cause great harm, so that membership therein is membership in a combination or group of persons who are doing great injury to the work and missionary enterprise of the church. Membership in such an organization is in itself a grave offense, and calls for disciplinary action and judgment.

3. The records of the case also show that the appellant had joined with others in a very definite and determined effort to spread propaganda inimical to the Board of Foreign Missions and to cast unwarranted suspicion upon members, officers and missionaries of the Board of Foreign Missions and upon the integrity of Presbyterian ministers in good standing, amounting even to defamation of character. He has written contemptuously of our church and of the presbytery of which he is a member. It is the opinion of the Permanent Judicial Commission that he has greatly disturbed the peace and unity of the church.

The Permanent Judicial Commission has examined each and all of the forty-nine specifications of error in the appeal and finds them so phrased that they do not correctly reflect the charges or the rulings of the lower judicatories. They are drawn so as to convey the impression that the defendant was tried for disobedience to the direction of the Assembly of 1934, relative to membership on the Independent Board for Presbyterian Foreign Missions, whereas he was on trial for violation of the constitution of the Church. The Permanent Judicial Commission does not sustain any of the said specifications.

The records of the trial judiciary show sufficient ground for sustaining the charges there lodged against the defendant, and the Synod decided justly in sustaining the judgment of the presbytery. It is the opinion of the Permanent Judicial Commission that the appeal should be dismissed and the Synod of New Jersey sustained.

The judgment of the Permanent Judicial Commission is that the appeal of the Rev. Carl McIntire be, and is hereby dismissed, and that the judgment of the Synod of New Jersey be, and is hereby sustained. The Presbytery of West Jersey is directed immediately to pronounce sentence of suspension according to Book of Discipline, Chapter IX, Sections 4 and 11.

The Rev. Herbert K. England, a member of the Synod of New Jersey, was not present and took no part in the hearing and decision of this case.

JUDICIAL CASE NO. 3

This is an appeal of the Rev. J. Gresham Machen against the judgment of the Synod of New Jersey affirming the judgment of the Presbytery of New Brunswick suspending him from the ministry.

The events leading to the situation out of which this case arose, as they appear

in the record of the case and the official records of the judicatories of the church, are as follows: Prior to the General Assembly of 1933 this appellant introduced into the Presbytery of New Brunswick a proposed overture to the General Assembly relating to what he called "modernism" in the Presbyterian Board of Foreign Missions. The Presbytery, after hearing him at great length in support of this overture, by a large majority refused to send it to the General Assembly. But from other presbyteries the same overture reached the General Assembly of 1933, by which it was received and referred to the Standing Committee on Foreign Missions. Although the appellant was not a commissioner to this Assembly, the committee, in order that the fullest investigation might be made of the allegations contained in the overture permitted the appellant to present his evidence, which he did at great length. By a vote of 43 to 2 the committee reported unfavorably on the overture and expressed its confidence in the Board of Foreign Missions. By a nearly unanimous vote the General Assembly approved this report of the committee.

Despite the decisive overruling which his views had received in his presbytery, in the General Assembly's committee and the General Assembly, the appellant evinced disregard for the historic Presbyterian principle of majority rule. He had stated beforehand "that he would accept neither the judgment of the committee nor the decisions of the General Assembly if it did not conform to his views." Hardly had the General Assembly taken its action when public announcement appeared of a plan to organize an Independent Board for Presbyterian Foreign Missions with a list of those who had consented to be its members. This proposal for action was carried into effect by the incorporation in December, 1933, of the Independent Board for Presbyterian Foreign Missions, with the appellant as its president. The charter of this corporation declares that its purposes include: to encourage the work of all missionaries who adhere to "that system of religious belief and practice which is now set forth in the Confession of Faith and Catechisms of the Presbyterian Church in the U.S.A."; "to receive and disburse funds to be used for foreign mission work which is true to the Bible and to the system of doctrine contained in the Westminster Confession of Faith and to the fundamental principles of Presbyterian church government"; and "to encourage Presbyterian churches and individuals to support this Board."

The disturbance and dissension in the church created by this organization, of which the appellant was the directing spirit, necessitated action by the General Assembly of 1934. This General Assembly directed "that all ministers and laymen affiliated with the Presbyterian Church in the U.S.A. who are officers, trustees or members of the 'Independent Board for Presbyterian Foreign Missions' . . . sever their connection with this Board," and that in case of their refusal so to act, the presbyteries to which they were sub-

ject institute disciplinary proceedings against them.

When the Presbytery of New Brunswick, in pursuance of this direction of the General Assembly, called upon the appellant to resign his membership in the Independent Board for Presbyterian Foreign Missions, his reply was a positive and determined refusal: "I cannot obey the order." After long-continued futile efforts by correspondence to bring the appellant to a different mind, carried on by a committee of the presbytery, this committee on December 20, 1934, recommended that the presbytery prefer charges against him, as follows:

"With the violation of his ordination vows; with his disapproval of the government and discipline of the Presbyterian Church in the United States of America; with renouncing and disobeying the rules and lawful authority of the church; with refusal to sever his connection with 'The Independent Board for Presbyterian Foreign Missions' as directed by the General Assembly; with not being zealous and faithful in maintaining the peace of the church; with contempt of and rebellion against his superiors in the church in their lawful counsels, commands and corrections; with breach of his lawful promises; and with refusing subjection to his brethren in the Lord."

This committee also recommended that the presbytery appoint a prosecuting committee and transmit the case to a Special Judicial Commission for hearing and determination.

In due time the Special Judicial Commission tried the case upon six charges with specifications in support thereof. These charges were a revised form of those presented to the presbytery without material change. The record shows that the trial was conducted in accordance with the requirements of the Book of Discipline. At the conclusion of the trial the Special Judicial Commission found the appellant guilty on all of the six charges and sentenced him to be suspended "from the office of a minister in the Presbyterian Church in the U.S.A. until such time as he shall give satisfactory evidence of repentance."

From this judgment the appellant appealed to the Synod of New Jersey, which affirmed the judgment.

From this judgment of the Synod appeal is now made to the General Assembly.

I. It is alleged, as the first specification of error, that the Presbytery of New Brunswick was without jurisdiction, because on March 5, 1934, the appellant became subject to the jurisdiction of the Presbytery of Philadelphia.

This General Assembly has already considered the matter in Non-Judicial Case No. 6, and has decided that the appellant was and is under the jurisdiction of the Presbytery of New Brunswick. Hence this allegation of error is not sustained.

II. It is alleged, as the second specification of error, that the Special Judicial Commission of the Synod was partisan and manifested prejudice against the

defendant throughout the conduct of the case.

Every member of the Commission was challenged for partisanship. The Rev. Cordie J. Culp was challenged because he was a signer of the Affirmation of 1924, often called the Auburn Affirmation. The Rev. William T. Magill was challenged because he was a member of the committee of the presbytery which conferred with the appellant with respect to his membership in the Independent Board. The Rev. John E. Kuizenga was challenged because in Princeton Theological Seminary he holds a professorship to which the appellant was once elected. The Rev. Edward A. Morris was challenged because of his statements in meetings of the presbytery respecting examinations for licensure and ordination, and also because an elder in the church of which he was pastor was a member of the prosecuting committee. Elder John A. Hankinson was challenged because his pastor was a member of the prosecuting committee. Elders William A. Cooley and Henry B. Kummel were challenged because their pastors signed the Affirmation of 1924. The challenge to the Rev. William T. Magill was allowed, the others were disallowed.

The Permanent Judicial Commission finds in these facts no evidence that the Special Judicial Commission was partisan. Neither does it find in the record evidence of prejudice against the appellant. Therefore the Permanent Judicial Commission does not sustain this specification of error.

III. It is alleged, as the third specification of error, that the presbytery and the Special Judicial Commission of the Synod committed material irregularities in their proceedings.

1. It is asserted that the presbytery, by adopting the report of its committee recommending that presbytery prefer charges against the appellant prejudged the case by declaring the appellant guilty. The Permanent Judicial Commission finds this assertion groundless.
2. It is asserted that the presbytery never adopted charges and specifications against the appellant, in conformity with Book of Discipline, Chapter IV, Section 1. The Permanent Judicial Commission finds that the presbytery was not required by this section of the Book of Discipline to adopt charges and specifications; but that charges and specifications were presented to the presbytery; as this section requires.
3. It is asserted that material errors were committed when two members were elected by the presbytery to membership in the Special Commission, after the refusal to serve of two of those originally elected. The facts of this matter, as they appear in the record, are that two of the members originally elected informed the presbytery that they declined to serve, and that thereupon the Presbytery elected two additional members. There was no

communication between the presbytery and the Special Judicial Commission after the transmission of the case to the Commission. The Permanent Judicial Commission finds here no irregularity.

For these reasons the Permanent Judicial Commission does not sustain the third specification of error.

IV. It is alleged, as the fourth specification of error, that the charges and specifications against the appellant, with one exception, "do not allege facts which if true would constitute an offence."

The Permanent Judicial Commission holds that the charges and specifications contain allegations of offences, according to the Book of Discipline, sufficient to warrant prosecution; and therefore does not sustain this specification of error.

V. (a) (b) (c). It is alleged, as the fifth specification of error, that the following errors were committed by the Presbytery and the Synod:

First, the Commission of the Synod refused to allow the defendant to show that the action of the General Assembly of 1934, upon which the prosecution was founded, was contrary to the word of God and the constitution of the church, and hence null and void.

Second, the commission of the presbytery and the Synod refused to declare as to the constitutionality of the action of the General Assembly of 1934.

To these allegations of error the Permanent Judicial Commission makes answer as follows:

The prosecution was founded upon specifications separate from the deliverance of the General Assembly of 1934 which were sufficient to warrant prosecution.

The presbytery and the synod had no authority to decide as to the character of actions of a higher judicatory. Therefore they were justified in refusing to allow the appellant to show before them that the deliverance of the General Assembly of 1934 was null and void. Before the Permanent Judicial Commission full opportunity was afforded to the appellant, through counsel, to present his contentions regarding the deliverance of the General Assembly of 1934.

The Permanent Judicial Commission points out that the deliverance of the General Assembly of 1934, so far as it was addressed to individuals called upon them to fulfill their constitutional obligations as ministers and members of the Presbyterian Church in the U.S.A. If the defendant believed that he was being called upon to give an obedience to the constitution which was contrary to the word of God, it was incumbent upon him, in this church, to seek by orderly methods to secure amendment of the constitution in accordance with his convictions regarding the word of God. But as a Presbyterian minister he cannot offer his interpretation of the word of God to justify his violations of the church's constitution.

For these reasons the Permanent Judicial Commission holds that the fifth specification of error should not be sustained.

VI. It is alleged, as the sixth specifica-

tion of error, that the Synod refused to allow the appellant to prove that the case was doctrinal.

The Permanent Judicial Commission finds this specification of error without merit; since no question of doctrine is presented in the case.

VII. It is alleged, as the seventh specification of error, that the Synod erred in refusing to allow the defendant to prove during the trial his charges of "Modernism" in the Presbyterian Board of Foreign Missions.

The Permanent Judicial Commission calls attention to these facts, that the officers and members of the Presbyterian Board of Foreign Missions are not on trial in this case, and that, if the appellant thought it his duty to prefer charges against them, the constitution of the church specifically provided him with a method of procedure.

Therefore the Permanent Judicial Commission does not sustain this specification.

VIII. It is alleged, as the eighth specification of error, that the judgment reached by the presbytery was contrary to the weight of evidence.

The Permanent Judicial Commission finds this allegation not supported by the evidence in the record and therefore does not sustain it. IX, X, XI, XII. The allegations contained in these specifications of error have been dealt with under other specifications. The Permanent Judicial Commission finds in the record no evidence substantiating them and therefore does not sustain them.

It appears to the Permanent Judicial Commission that the essential question in this case is this: if a minister or member of the church is dissatisfied with an authorized agency of the church, he has a right to organize an agency according to his own views, in competition with the church's agency, and meanwhile to claim his rights under the church's constitution? This is what this appellant has done and claims. The record shows that the formation and maintenance of the Independent Board for Presbyterian Foreign Missions, of which this appellant was the president and the guiding spirit, expressly contravened provisions of the constitution and did great harm to the peace of the church. Furthermore, his denunciations of fellow-ministers and of members of the church to which he belonged, which are found in the record, amounting to defamation of character, seriously aggravated his other offences.

It is the opinion of the Permanent Judicial Commission of the General Assembly that the appeal should be dismissed.

It is the judgment of the Permanent Judicial Commission of the General Assembly that the judgment of the Synod of New Jersey be, and it is hereby affirmed. The Presbytery of New Brunswick is directed immediately to pronounce sentence of suspension upon the Rev. J. Gresham Machen, in accordance with sections 4 and 11 of Chapter IX of the Book of Discipline.

Dr. Herbert K. England, of the Synod of New Jersey, was not present and took no part in the hearing and decision of this case.

Judicial Case 4, the "Perkins Case" was read by W. Hall Harris. For daring to have supported and helping to maintain an evangelical summer Bible camp, this true servant of God was ordered suspended! Text of this judgment follows:

JUDICIAL CASE NO. 4

This is an appeal of the Rev. Arthur F. Perkins against the judgment of the Synod of Wisconsin, affirming the judgment of the Presbytery of Winnebago suspending him from the ministry.

The case arose out of a situation in the Presbytery of Winnebago the following description of which is drawn from the record in the case. It appears that there are two parties in the presbytery, between which there are serious differences. It is charged against the appellant that being a leader of one of these parties he by various specific utterances and acts has aggravated distrust and disension in the presbytery. One particular occasion of difference in the presbytery was the establishment of an undenominational summer camp for young people, known as the Crescent Lake Bible Fellowship Project. This was established when there were in existence, within reach of the churches of the presbytery, two camps under Presbyterian auspices, and progress had been made toward the establishment of a third Presbyterian camp within the bounds of the presbytery, considerable money having already been collected. The Presbytery of Winnebago had formally expressed the opinion that the Crescent Lake Bible Fellowship Project was competitive, and furthermore that its influence was divisive; and it had directed ministers and church members under its jurisdiction to cease participation in this enterprise. It is alleged that after this the appellant continued to promote the Crescent Lake Bible Fellowship Project, and through it provoked discord.

Other features of the situation appear in the record. Being pastor of the Presbyterian Church of Merrill, Wisconsin, the appellant, it is alleged, joint in a letter sent to the presbytery by the session of this church, making accusations against the Presbyterian Board of Foreign Missions and declaring its purpose not to secure contributions to it. Being moderator of the session of the Presbyterian Church of Stratford, Wisconsin, the appellant, it is alleged, interfered with and opposed a committee of the presbytery sent to visit this church, and furthermore, it is alleged, acquiesced in an attempt to take from this church its property. It is further alleged that the appellant encouraged the organization of an independent church at Wausaw, Wisconsin, to the harm of the Presbyterian Church of this place.

This situation led to the action of the Presbytery of Winnebago, in April, 1935, in ordering that the appellant should be tried by a Special Judicial Commission upon charges of violation of his ordination engagements and conduct unbecoming a minister. There were originally

two charges with four specifications. These were changed at the opening of the trial to five charges with twenty-four specifications. After a prolonged trial, in which many witnesses testified and the accused was ably represented by counsel, the Special Judicial Commission of the presbytery found the appellant guilty, and sentenced him to be suspended from the ministry for two years from October 1, 1935; providing that if appeal were taken the suspension should run for two years from the date of the final decision on the case in a higher judicatory. On appeal this judgment was affirmed by the Synod of Wisconsin through its Permanent Judicial Commission, on November 1, 1935; but the Synod modified the sentence by ordering that the suspension should run one year from that date.

Against this judgment appeal is made to the General Assembly, on grounds of errors committed by the Synod.

1. It is alleged that the Synod ought to have found that there were irregularities in the conduct of the case in the Presbytery of Winnebago.

(a) It is asserted that no complaint was made against the Crescent Lake Bible Fellowship Project. The Permanent Judicial Commission holds that the presbytery was competent to express its opinion on this subject without a complaint.

(b), (c), (f). It is asserted that the charges and specifications on which the appellant was tried were changed by the Judicial Commission of the presbytery during the trial. But the record shows that these changes, made at the opening of the trial, were not material and introduced no new issues. Authority for such changes is found in Book of Discipline, Chapter V, Section 10, as follows: "The judicatory or judicial commission shall determine all such preliminary objections, and may dismiss the case, or permit, in the furtherance of justice, amendments to the specifications or charges which do not change their general nature."

(d) It is asserted that the Judicial Commission of the presbytery wrongly interpreted the action of the presbytery regarding the Crescent Lake Bible Fellowship Project, construing it as a direction to the members of the presbytery to cease supporting this undertaking. But the record shows that the Judicial Commission rightly interpreted the action of the presbytery.

(e) It is asserted that the Judicial Committee of the Presbytery condemned the appellant before the case was tried. But this is not borne out by the record.

(g) It is asserted that six of the seven members of the Judicial Commission of the presbytery were prejudiced against the defendant. But no evidence is offered substantiating this allegation.

For these reasons the Permanent Judicial Commission does not sustain this first specification of error.

2. It also does not sustain the second specification of error, which is a repetition of the previous allegations regarding changes in the charges and specifications on which the trial was based.

3. It is alleged, as the third specification of error, that improper testimony was

admitted in the trial. The Permanent Judicial Commission does not sustain this specification, because the record shows that the Judicial Commission of the Presbytery of Winnebago had before it proper evidence sufficient for its judgment.

4. It is alleged, as the fourth specification of error, that the Judicial Commission of the Presbytery of Winnebago was moved to give judgment against the appellant by personal hostility to him on the part of some of its members, and that this hostility appeared in partiality against him and in acts showing collusion between the Commission and the prosecution. The Permanent Judicial Commission finds in the record no proof of this allegation.

5. It is alleged, as the fifth specification of error, that there were mistake and injustice in the judgment of the Presbytery of Winnebago, which was affirmed by the Synod.

(a) It is asserted in general that there was no evidence to support the charges. But this assertion is not substantiated by the record. In particular the decision of the Judicial Commission of the Presbytery of Winnebago that the appellant was guilty of "conspiring" to alienate certain property affected with a Presbyterian interest is asserted to have been unjust. But the record contains evidence sufficiently supporting this charge.

(b) It is alleged that in support of specification 4 under charge 3 in the trial in the presbytery, events of the year 1931 were cited as evidence by the prosecution, and that on such evidence, outlawed by the passage of time, the appellant was found guilty on this specification. But the record shows that evidence of other facts of recent date was received, sufficient to support a judgment of guilt on this specification.

For these reasons the Permanent Judicial Commission does not sustain this specification of error.

Therefore it is the opinion of the Permanent Judicial Commission that the judgment of the Synod of Wisconsin, affirming with modification of the censure the judgment of the Presbytery of Winnebago, should be affirmed, with this further modification of censure, that the appellant should be suspended from the ministry until he give to the Presbytery of Winnebago satisfactory evidence of repentance and reformation.

It is the judgment of the Permanent Judicial Commission that the judgment of the Synod of Wisconsin be, and it hereby is, affirmed, with this modification, that the appellant's suspension from the ministry continue until he give to the Presbytery of Winnebago satisfactory evidence of repentance and reformation. The Presbytery of Winnebago is hereby directed immediately to pronounce sentence of suspension, in conformity with Book of Discipline, Chapter IX, Sections 4 and 11.

At his own request Dr. W. W. Johnstone was excused from participation in the consideration and decision of this case.

Then came Non-Judicial Case 10, known as the "De Waard Case". The Commission upheld the Presbytery of Milwaukee in dissolving the pastoral relation of this true servant of Christ because he would not promise to keep silent among his people, in public and in private, concerning the soul-destroying Modernism in the Boards of the Church! If this case is not notice to those ministers left in the old organization that their soul is not their own, then it is hard to see how such notice might else be given.

After the Judicial Commission had retired from the room, the Assembly quickly adopted a recommendation of the General Council recommending that the Boards of Christian Education and National Missions be not merged.

TUESDAY

The notable event of Tuesday morning was the minority report presented from the committee on National Missions by the Rev. Samuel J. Allen. The majority report, as always, approved the policies of the Board in all things. After the majority report had been received, and after the board secretaries had had time to deliver their prepared eulogies of their own Board's work, Mr. Allen was allowed to bring in his report. In manful and direct fashion he said plainly that he considered it unfair to have all the intervening material: the two reports should have been presented together. Nor had anyone had the courtesy to tell him that his report could have been printed. It is as follows:

It is with sorrowful spirit that I present this minority report of your Standing Committee on National Missions. I have greatly appreciated the aid and counsel supplied by the Board in my ministry. I certainly recognize that they have labored hard in the promotion of the National Missions work.

Nevertheless I look with alarm at the growing centralization of power in the Board and the using of this power to impose upon the church a modernist educational or missionary program based on the ability of man to bring in the Kingdom of God by his showing and sharing the spirit of Christ, and on the ability of man to do good if he knows the good.

In view of this alarming fact I could not do anything else but bring in a minority report in order to preserve a clear conscience in the sight of God.

I respectfully call the attention of the General Assembly to the following facts: First, some of the literature distributed by the Board and recommended to the churches is contrary to the Bible and the Constitution of our church.

For example, the unit of Evangelism

of the Board of National Missions has recommended for the year 1936-37 certain booklets and pamphlets including the following: "Evangelistic Preaching," by the Rev. Henry Sloan Coffin, D.D., President of the Union Theological Seminary; "Is There Room for the Preacher Today?" by the Rev. George A. Buttrick, D.D., minister of the Madison Avenue Presbyterian Church, New York City; and "Ye That Are Heavy Laden," by the Rev. J. Valdemar Moldenhawer, D.D., pastor of the First Presbyterian Church, New York City.

All of these men are signers of the Auburn Affirmation which attacks directly the doctrine of the inerrancy or full truthfulness of Holy Scripture and declares to be non-essential the doctrine of the Virgin Birth of Christ, the miracles of Christ, Christ's death on the cross to satisfy divine justice and reconcile us to God, and Christ's resurrection in the same body in which He suffered.

It is impossible to believe that men who sign such an affirmation could stress the central Evangel: "Christ died for our sins according to the Scripture. He took the place of His people dying for their sins."

It is therefore not surprising to read in Dr. Coffin's book "The Meaning of the Cross" his regret that "certain widely used hymns still perpetuate the theory that God pardons sinners because Christ purchased that pardon by His obedience and suffering." (Page 118.)

I urge that the Board refrain from sending out such literature.

Secondly, that comity arrangements with other churches made by the Board or helped by the Board are a constant menace to the right of a Presbytery to determine what new work should be undertaken, what new fields opened up, what work should be maintained, and what work should be abandoned. Also they might interfere with a servant of God led into a dead field of five or six churches to revive them. Many sects whose doctrine is false are building strong churches in over-churched towns because of their vitality and deep conviction.

Thirdly, seven of the seventeen ministers on the Board of National Missions are signers of the Auburn Affirmation which attacks directly the full truthfulness of Scripture and treats as non-essential the doctrine of the virgin birth of Christ, the miracles of Christ, the vicarious substitutionary atonement of the Lord Jesus Christ, and His resurrection in the same body in which He suffered.

The other forty-two members of the Board are guilty of the sin of tolerating this unbelief without protest.

In view of these facts I recommend: First, that the General Assembly order the Board of National Missions to cease from publishing literature that is contrary to the Bible and the Constitution of our church.

Secondly, that the General Assembly take action requesting the Board to abolish all comity arrangements with other churches.

Thirdly, that the following ministers, elders, and lay-members be elected to the Board in the class of 1939.

Ministers—W. V. Watson, Syracuse, New York; Clifford Smith, Bridgeton,

New Jersey; T. Mitchell, Mineral Ridge, Ohio; Donald Blackie, Los Angeles, California; John Clelland, Wilmington, Delaware; Robert Atwell, Harrisville, Pennsylvania.

Laymen—Calvin K. Cummings, Philadelphia, Pennsylvania; W. R. Sibley, Seattle, Washington; A. O. Oyan, Werner, North Dakota; Dr. J. M. Keese, Syracuse, New York; J. McClay, Narberth, Pennsylvania.

Laywomen—Mrs. Frank H. Stevenson, Cincinnati, Ohio; Miss Beatrice Shillito, Cincinnati, Ohio; Mrs. Oscar Holkeboer, Oostburg, Wisconsin; Miss Julia Moore, Syracuse, New York.

Quickly, after the report had been presented, it was moved that it be laid on the table. This was carried with machine-like precision.

Resolution on German Freedom

The Assembly passed a resolution on German religious freedom, expressing sympathy with those German pastors who would not yield to the totalitarian state. If they had been ministers of the Presbyterian Church in the U.S.A. and had defied the totalitarian General Assembly instead of Herr Hitler, they would have been suspended, not recipients of "deep sympathy." Text of the resolution:

"WHEREAS: The Nazi regime in Germany has denied freedom of expression of truth to the Christian Ministers and laymen and has exiled hundreds of its scientists and teachers, and has placed one million, five hundred thousand Christians under an intolerable ban, and subjected them to physical and mental jeopardy, in addition to the thousands of Hebrews who are being persecuted,

"THEREFORE: Be it resolved by the General Assembly of the Presbyterian Church in the U.S.A. that we hereby express our deep sympathy with those who are being oppressed, and register our protest against the racial and religious intolerance now being carried on in Germany, joining our prayers with theirs that the day of deliverance may soon come."

Commission of Nine

The Special Commission of Nine appointed to visit the Presbyteries of Chester and Philadelphia in order to flatten them out into conformity, made its report, which was accepted. In its main outlines it was as had been made before the Presbyteries concerned. It had accomplished the ironing process with great efficiency. It repeated that it found no heresy in either Presbytery (with ten Auburn Affirmationists in the Presbytery of

Philadelphia). The Commission recommended that it be continued for another year and that if continued it promised to frame overtures to the next Assembly designed to amend the Constitution in three ways: (1) So that only pastors in general may sit in presbyteries "and those executives, and teachers of its accredited Theological Colleges, whom the General Assembly appoints as voting members in the Presbyteries"; (2) "A change in our constitution making it mandatory on the Presbytery in receiving as a candidate for licensure or ordination a graduate of a Theological School or Seminary not under the care of our Assembly, or a minister seeking membership by transfer from another denomination, to arrest the process and refer the question to the Synod's Committee on Licensure for recommendation. If Synod's Committee recommends that the applicant be not licensed or ordained, or received, Presbytery can proceed with the process only on a two-thirds vote."; (3) A rule making it mandatory that all ministers shall cease active service at age seventy. The second of these recommendations was particularly sweet to modernists: for Union Seminary of New York, which is independent, so dominates New York Synod through its graduates, that its graduates could always be sure of approval. The resolution is aimed, of course, at Westminster Seminary.

On Tuesday afternoon the Assembly voted to hold the 1938 Assembly in Washington, D. C. It will be the 150th Assembly of the body, and an attempt is being made to induce the Presbyterian Church in the U.S. and the United Presbyterian Church to hold their Assemblies in Washington at the same time.

The Buswell Case

The Permanent Judicial Commission reported on Judicial Case No. 5, which is the Buswell case. As expected it simply affirmed the judgment of the Presbytery. The only surprise was that it allowed the censure to remain as it was: admonition. Text of the judgment is as follows:

JUDICIAL CASE No. 5
OPINION AND JUDGMENT
THE PRESBYTERIAN CHURCH
IN THE U. S. A.

vs.

THE REV. J. OLIVER BUSWELL, JR.
This is an appeal in a judicial case by the Rev. J. Oliver Buswell, Jr., a

member of the Presbytery of Chicago, from the judgment of the Synod of Illinois affirming a judgment of the Presbytery of Chicago in which the defendant was guilty of offenses hereinafter mentioned.

The defendant, herein called appellant, who was a member of The Independent Board for Presbyterian Foreign Missions, was called upon by the Presbytery of Chicago to sever his connection with such Board. He refused to do so, and continued his membership in the Board and his activities in opposition to the Board of Foreign Missions of the Presbyterian Church in the United States of America.

Thereafter appellant was charged by the Presbytery of Chicago with offenses as follows:

1. With acts and conduct in contravention of the government and discipline of the Presbyterian Church in the United States of America contrary as well to ethical standards and the rules and regulations of said Church as to the vows taken at the time of his licensure and ordination as a minister of said church.

2. With failing and refusing to study the peace, unity and purity of the church and with failing and refusing to be zealous in maintaining the peace of the church, contrary to the Word of God and the rules and regulations of said church founded thereon and in violation of the promises and vows made at the time of his licensure and ordination as a minister of said church.

3. With refusing subjection to his brethren in the Lord, contrary to the Word of God and the rules and regulations of said Church founded thereon, and with disloyalty to said church and defiance to the lawfully constituted authority thereof in violation of the vows taken as a minister of said church:

to which charges appellant pleaded not guilty.

The issues in the case were tried by a Special Judicial Commission of the Presbytery of Chicago, to which the charges with supporting specifications had been referred by the Presbytery, and appellant was found guilty on Charge I and Specification I, guilty on Charge II and the specifications thereunder, and guilty on Charge II and the specifications thereunder.

In considering the matter of sentence the Special Judicial Commission said:

"The Commission has decided upon Admonition to the accused to desist from his course, Admonition being the mildest form of Censure provided by the Book of Discipline."

From this decision and judgment an appeal was taken to the Synod of Illinois. The Appeal was heard and dismissed and the judgment of the presbytery affirmed.

Thereupon the appellant appealed to the General Assembly, assigning twelve specifications of error. The specifications of error may be summarized thus:

1. The Special Judicial Commission of the Presbytery of Chicago, in reporting

to the Presbytery on July 15, 1935, was by that act dissolved.

II. All proceedings subsequently taken should have been *de novo*. No new Commission was elected, therefore the proceedings subsequent were null and void.

III. The Commission erred in not sustaining the challenges offered by the defense.

IV. The Commission erred in not dismissing the charges and specifications.

V. The Commission erred in not sustaining the demurrer of the defense and in not declaring the administrative delinquency of the 146th General Assembly concerning the Independent Board for Presbyterian Foreign Missions to be a nullity, unlawful and unconstitutional.

VI. The Commission erred in holding that the defendant had been duly visited by a Judicial Committee in accordance with the law of the church.

VII. The Commission erred in not dismissing the case on the ground that the prosecution had not presented a *prima facie* case.

VIII. The Commission erred in not considering evidence of the doctrinal unfaithfulness of the official Board of Foreign Missions of the Presbyterian Church in the U.S.A.

IX. The Commission erred in finding the defendant guilty, against the weight of evidence; the Prosecution not having established the separate elements of an offense by the accused, including the lawfulness of the order of the 146th General Assembly.

X. The evidence presented by the prosecution was not either in law or in fact sufficient to sustain a verdict of guilty.

XI. Having acquitted the defendant of certain elements of certain specifications, the Commission erred in afterwards pronouncing him guilty of the specifications concerned.

XII. The Commission erred in particulars not covered in the first eleven sections of the appeal. Every ruling to which exception was taken by the defense is hereby assigned as reversible error.

The first and second specifications of error relate to the proceedings of the Presbytery of Chicago at its meetings held July 15, 1935, and September 9, 1935. It is asserted by the appellant that when the Special Judicial Commission reported to the Presbytery July 15, 1935, the Special Judicial Commission was by that act dissolved and no longer possessed any legal existence and that therefore the body which conducted the trial appealed from had no right to do so, and all of its proceedings are null and void.

The records of this case disclose that at a meeting held April 2, 1935, the Presbytery of Chicago elected a Special Judicial Commission and appointed a Prosecuting Committee. This Committee entered upon the consideration of the case and held a meeting June 14, 1935, and a second meeting July 8, 1935. At the second meeting of the Commission counsel for the defense interposed the objection that the charges and specifications had not been presented to or read in Presbytery and that therefore the trial should

not continue. This objection was sustained by the Commission "but without prejudice and without intending to establish any sort of precedent for any future action by the Presbytery of Chicago or any action taken by any Presbytery of our General Assembly."

This decision was reported to the Presbytery July 15, 1935. The matter was further considered by the Presbytery September 9, 1935, at which time the charges and specifications were presented and read and referred for hearing and determination to the same Special Judicial Commission.

The Permanent Judicial Commission of the General Assembly finds it unnecessary to decide whether the objection above referred to, interposed at the July 8, 1935, meeting of the Special Judicial Commission was or was not well taken; if it was valid the error complained of was corrected by the subsequent procedure of the Presbytery of Chicago; such proceedings being in conformity to the provisions of the Book of Discipline relating thereto. The trial of the case thereupon and thereafter was conducted *de novo*.

The Permanent Judicial Commission has considered the other ten specifications of error and finds that the eighth specification of error is irrelevant and that the third, sixth, seventh, ninth, tenth, eleventh and twelfth specifications of error are without merit and are not sustained by the records of the case.

As to the fourth and fifth specifications of error, the Permanent Judicial Commission refers to the opinions in the cases of The Presbyterian Church in the U.S.A. vs. H. McAllister Griffiths et al., The Presbyterian Church in the U.S.A. vs. Carl McIntire, and The Presbyterian Church in the U.S.A. vs. J. Gresham Machen, wherein the general principles controlling the decision and judgment of this case have been enunciated by this General Assembly. It is unnecessary in the instant case to repeat the reasoning applicable here.

It follows that the specifications of error are without merit and should be overruled.

The Permanent Judicial Commission has examined the records of the trial judicatory and of the Synod and finds that the trial and the hearing were conducted in a fair and impartial manner and that no errors were committed by either judicatory.

It is the opinion of the Permanent Judicial Commission of the General Assembly that the appeal should be dismissed and the judgment of the Synod sustained.

It is the judgment of the Permanent Judicial Commission of the General Assembly that the judgment of the Synod of Illinois affirming the judgment of the Presbytery of Chicago be and it is hereby affirmed.

The Presbytery of Chicago is hereby directed immediately to pronounce sentence of Admonition according to the provisions of the Book of Discipline, Chapter IX, Sections 4, 5 and 6.

The Rev. Wm. W. Johnstone, of the

Synod of Illinois, was not present and took no part in the hearing and decision of this case.

WEDNESDAY

Wednesday was comparatively uneventful, excepting for the routine approval of the Standing Committee on Foreign Missions, sending down of the "Cayuga Overture" to the Presbyteries, passage of the report of the Standing Committee on Social Welfare, amendment of protests submitted by the minority, and passing out of expense checks. The "Cayuga Overture" would delete from the Confession the declaration that the civil authorities may lawfully wage war "upon just and necessary occasion." Sending of the overture was opposed by Dr. Mark Matthews, and supported by Drs. J. A. Vance and Howard Moody Morgan, the latter of Philadelphia. The Social Welfare report was couched in general and vague language.

It is, however, in the matter of the protests by the minority that the tactics of the organization may be most fully appreciated. The Book of Discipline, Chapter XI, Section 3, provides that "If a protest is couched in decorous and respectful language, and is without offensive reflections or insinuations against the judicatory, it shall be entered on the records." This is mandatory. The committee to which the protests of the minority were submitted, headed by Dr. Mark A. Matthews, simply decided to delete the parts it did not like. These parts were in proper and respectful language. They contained no offensive insinuations. They simply stated the view of the minority. Where else may a minority state its view save in a protest? And if the majority edits the protest so as to allow only that part of the minority's reasoning to appear as is agreeable to the majority, does not that violate the fundamental idea of a protest and impose a fraud upon posterity? That is the way that it appears to the present writer. The next section of the Book gives to the judicatory the right *itself to answer* the protest, if it thinks the protest "imputes to it principles or reasonings which its action does not import." But this does not give the power to the majority to take those things out of a protest—only to answer them. *But three whole protests were absolutely rejected and refused a place in the minutes* "because they impute to the

courts involved principles or reasonings which its action does not import." (This from the report of Dr. Matthews' committee!) Could cynical disregard of constitutional rights go much further? The minority is not allowed to state its case for the generations to come, merely because the majority thinks that the protest imputes to it principles or reasonings which its action does not import. On that basis any protest could be thrown out. Such action must be either ignorant or high handed. It could hardly be the former because the section is clear as crystal. Herewith we publish the protests as filed, indicating the deleted parts by printing them in italics. The three rejected protests are also printed in italics.

PROTEST No. 1

The undersigned, commissioners to the 148th General Assembly of the Presbyterian Church in the U.S.A., respectfully protest against the action of this Assembly in Judicial Case No. 4, being the appeal of the Rev. Arthur F. Perkins against the judgment of the Synod of Wisconsin, affirming the judgment of the Presbytery of Winnebago suspending him from the ministry, deeming the said action erroneous for the following reasons:

1. We believe the action to be unjust in that it arose from the defendant's disobedience to an order which, we believe, the Presbytery of Winnebago had no right to give.

2. We do not believe that connection with such an enterprise as the Crescent Lake Bible Fellowship is an offense as defined in the Constitution of the Church.

3. We do not believe that the weight of evidence was sufficient to establish the charges as proved beyond a reasonable doubt or even by preponderance of evidence.

4. We believe that the evidence of the record clearly shows that members of the trial judicatory were prejudiced against the defendant, the effect of which prejudice was to deprive him of a fair trial.

PROTEST No. 2

The undersigned, commissioners to the 148th General Assembly of the Presbyterian Church in the U.S.A. desire respectfully to protest against the action of this Assembly in Non-judicial Case No. 10, being the Complaint of the Rev. John J. De Waard against the Synod of Wisconsin in sustaining the action of the Presbytery of Milwaukee in the matter of dissolving the pastoral relation between the Rev. John J. De Waard and the Cedar Grove Presbyterian Church, deeming the said action erroneous for the following reasons:

1. The order of the Presbytery to Mr. De Waard, given on September 24, 1935, and which he stated his inability to obey was, we hold, contrary to the Constitution of the Church and to the Word of God.

2. The requirement attempted to be imposed upon Mr. De Waard was, we believe, an attempt to bind his conscience contrary to the Constitution of the Church. Criticism of boards and agencies is not contrary to the Constitution, is not an offense, but is an essential right in any free and public association of persons together for religious purposes. Presbytery had no right to ask that this criticism be stopped so long as Mr. De Waard was earnestly seeking to correct what he believed to be a serious departure from the doctrinal standards of the Church.

3. We believe that the attempt to require Mr. De Waard and his congregation to support the official boards of the Church with undesignated funds was in violation of the rights over such funds guaranteed to the Session of the Church under the Constitution.

4. We believe that this Assembly erred in declaring that it is within the power of a Presbytery as being in accord with the constitution "in requiring ministers to urge support of these boards and agencies of the Church." No such power, we believe, is granted in the constitution to the presbytery or any other judicatory. Support of the Boards and agencies of the Church is, we believe, a matter of free-will and not something to be compelled under penalty. The penalty put upon Mr. De Waard was, we believe, contrary to the constitution and to the Word of God.

PROTEST No. 3

The undersigned, a Commissioner to the 148th General Assembly of the Presbyterian Church in the U.S.A., hereby respectfully protests against the action of this Assembly in non-judicial Case No. 3, being the Complaint of Charles Schall against the Synod of Pennsylvania, which action I deem erroneous for the following reasons:

(1) I believe that the Presbytery of Chester was acting within its rightful powers and duties under the Constitution of the Church in refusing to take disciplinary action against the Rev. Wilbur M. Smith, D.D., when it believed the deliverance of the 146th General Assembly against The Independent Board for Presbyterian Foreign Missions to be unconstitutional.

(2) I believe that the Synod of Pennsylvania erred in not receiving the Constitutional argument advanced by the Presbytery. It erred and I believe the Assembly erred in finding that a "lower judicatory cannot sit in judgment on the acts of a higher," and in thus refusing to adjudicate the constitutional defense offered by the defendant. It is the right and duty of any court, acting under a written constitution which contains guarantees of individual rights and liberties, to adjudicate the claim of any defendant or judicatory that constitutional rights have been invaded, denied, or impaired, in order that said defendant or judicatory if these claims are found to be justified, may not be deprived of rights and privileges guaranteed as a continuous possession under the fundamental law. It is of the essence of orderly government under a Constitution which sets up a graded system of courts that these courts are

created for the purpose of protecting constitutional rights and guarantees. To deny to the lower judicatories the right to declare legislative enactments of the General Assembly (not sitting as a court) unconstitutional if they so appear to the judicatory, is to deny the elementary and basic rights guaranteed to persons upon entrance into the Church, and in effect suspends the operation of the Constitution until such time as the judicatories or persons concerned may receive redress in the highest court. To say that the lower courts cannot declare unconstitutional the legislative acts of a casual majority of a General Assembly because "a lower judicatory cannot sit in judgment on the acts of a higher" errs in that

(1) It obliterates the historic distinction between the General Assembly sitting as a legislative body and as a court, and

(2) It obliterates the distinction between an act of the General Assembly and a provision of the Constitution, and, in fact, gives a primacy to the former, which it enforces, while it denies to a defendant the right to plead the Constitution, which it thus refuses to enforce. This is the denial of constitutional government and a reversion to the principle of ecclesiastical absolutism by virtue of alleged inherent authority resident in church courts against which the Protestant Reformation was a solemn protest. To refuse to give redress when constitutional rights are invaded is to suspend the Constitution. This no court is empowered to do, and its act in so doing is a clear setting up of a system of inverted government where the "part"—namely a court—refuses to minister and apply the Constitution and Word of God ("the whole") when called upon to do so.

It is the function of every court, acting under a written Constitution, not merely as a right but as a duty, in protection of the rights of the defendant, to examine into and decide whether the offences with which the defendant is charged are within the provisions of the Constitution, are matters for which the defendant may be legally charged and tried under the Constitution, and are not matters raised by some presumption or declaration which is extra-constitutional.

(3) I believe that this General Assembly erred in holding the delivrance of 1934 to be a lawful order, constitutionally binding upon the Synod of Pennsylvania.

PROTEST No. 4

The undersigned commissioner to the 148th General Assembly of the Presbyterian Church in the United States of America, hereby respectfully protests, as provided in the Book of Discipline, against the action of the General Assembly in Non-Judicial Case No. 6, being the complaint of the Rev. H. McAllister Griffiths, et al against the Synod of Pennsylvania for its action in sustaining the complaint of the Rev. W. L. Buchanan et al against the Presbytery of Philadelphia for its action in receiving into membership the Rev. J. Gresham Machen, deeming the said decision of the General Assembly to be erroneous for the following reasons:

1. Examination of a minister bringing a letter from another Presbytery is not

mandatory, but discretionary. The Presbytery and the Presbytery alone must decide when it will, and when it will not choose to exercise this right. Its vote must be accepted as the exercise of its discretion. While the judgment of this General Assembly recognizes that the Presbytery has "discretion" as to whether it will engage in examination, yet it also declares that "this discretion cannot be construed to mean that members of the Presbytery are to be denied opportunity to ask proper questions of applicants or that a majority may prevent inquiry into their qualifications." If these words are to have any meaning at all, it is that a minority can insist upon an examination even if not desired by the majority. This, I believe destroys the discretion which rightfully belongs to the Presbytery, and makes examination mandatory if a minority wishes to engage in it.

Concerning the delivrance of the Assembly in 1835, quoted by this Assembly in its judgment, I am of the opinion that this delivrance in principle simply asserts the right of the Presbytery to exercise discretion and does not mean that the minority may compel an examination.

I believe that the action of this Assembly contradicts the principles laid down in the action of both the Old and New School Assemblies of 1868 which both declared: It is agreed that the Presbyteries possess the right to examine ministers applying for admission from other Presbyteries; but each Presbytery shall be left free to decide for itself when it will exercise the right." (1868 P. 629, O.S.; 1868, P. 32, N.S.; 1930 Digest Vol. I, P. 186.)

2. I hold that the questions asked or attempted to be asked of Dr. Machen were improper. I believe that no minister coming from one Presbytery to another need be subjected to questioning concerning his willingness to submit to conditions and terms of communion not laid down in the Constitution of the Church, and that to do so is a violation of the Constitution.

3. I hold that in finding that rights were denied the minority of the Presbytery and that "the whole proceeding was pervaded by prejudice and unfairness, the Assembly erred, in that these Conclusions are not supported by evidence found in the record of the case.

PROTEST No. 5

The undersigned, a Commissioner to the 148th General Assembly, hereby respectfully and solemnly protests the action of the General Assembly in making the preliminary judgment of the Permanent Judicial Commission the final judgment of the General Assembly in Non-Judicial Case No. 14, the complaint of Rev. A. B. Collins et al versus the Synod of New Jersey, for the following reasons:

1. The Synod of New Jersey did actually pronounce judgment upon the merits of the case. This fact remains, regardless of how the judgment was reached.

2. It is inconsistent for the General Assembly to rule in this case that the Synod of New Jersey did not pronounce judgment, when, in Non-Judicial Case No. 9, the Protest-Case, based upon the motion of the Synod in adopting and approving

the report of its Committee on Judicial Business, which report included both these cases, it declared that the Synod had pronounced judgment.

3. The Permanent Judicial Commission of the General Assembly denied to the parties to this case their constitutional right to be heard, when it refused to hear them and declared that it would decide the case upon the record (Book of Discipline, Chapter XII, Section 12, Subdivision 3). The right of the parties to be heard is given in the opinion on this case as one reason for deciding that the case when before the Synod was not adjudicated.

PROTEST No. 6

The undersigned, a Commissioner to the 148th General Assembly of the Presbyterian Church in the United States of America, hereby respectfully protests, as provided in the Book of Discipline, against the action of the General Assembly in Non-Judicial Case No. 4, being a complaint of the Rev. William P. Fulton, the Rev. Oswald T. Allis, et al against the Synod of Pennsylvania for its action in sustaining the complaint of the Rev. Joseph B. C. Mackie, et al, against the decision of the Presbytery of Philadelphia to license candidate John W. Fulton, deeming the said action of the General Assembly to be erroneous for the following reasons:

1. I believe that there is no evidence to show that the complaint against the action of the Presbytery was ever signed by one-third or more of the members present when the action was taken. The evidence included an affidavit by the Rev. Frank Werner stating that he had never signed or intended to sign the complaint. He had signed the notice only. The action of the General Assembly in refusing to allow his name to be taken off the papers amounts to a decision that one who signs a notice of complaint is therefore bound to sign the complaint later, whether he will or not. I hold that no man, having signed a notice of complaint, is later bound to sign the complaint unless he wishes to do so.

2. I believe that no one who has supported an action is lawfully able to complain against it. The Book of Discipline expressly provides in Chapter XII, Section 6, that "No one shall be allowed to dissent or protest . . . who did not vote against the decision." It follows, *a fortiori*, in the absence of any provision to the contrary that if protest and dissent are barred, then the greater act of complaint is also barred. For one to complain against an action is, in effect, a change of vote, if he has voted for the action. Since a change of vote is impossible without reconsideration, it is unnecessary for the Book of Discipline to state that no one can complain who has voted in favor of the action. On the other hand the Book does not say that only those who have voted in the negative may complain, because it gives permission for absentees to complain. A complaint is a solemn assertion that an action has been contrary to the Constitution, which is a very different thing than merely asking that it "be reviewed in a higher court."

3. The Presbytery of Philadelphia had ample ground for its belief, I hold, that

there had been no constitutional stay. Therefore its decision to proceed was not in "undue haste" nor did it manifest a "spirit of insubordination."

4. The ordination of Mr. Fulton was not before either the Synod or the General Assembly. Therefore neither judicatory should have passed upon it. The whole question of ordination, which ordination had never been complained against, was not in any proper sense a part of the record in this case.

5. The action of the Assembly in declaring invalid an ordination upon a technicality as to which the evidence was, to say the least, contradictory, is, I believe, a serious error and wrong to one who has received Christ's call to be His minister. Never in the history of the Church has an ordination been thus revoked until this time.

6. I believe that the General Assembly erred in holding that the questions concerning his obedience to hypothetical future General Assembly decrees were proper. I hold that no candidate need be subjected to questioning concerning his willingness to submit to conditions and terms of communion not laid down in the Constitution of the Church, and that to do so is a violation of the Constitution itself.

PROTEST No. 7

The undersigned commissioners to the 148th General Assembly of the Presbyterian Church in the U.S.A., respectfully protest against the action of this Assembly in Judicial Case No. 1, being actions against members of The Independent Board for Presbyterian Foreign Missions, deeming the action of this Assembly erroneous for the following reasons:

1. We believe that Chapter XXIII of the Form of Government has no applicability to the Independent Board, which is an organization outside the Presbyterian Church in the U.S.A.

2. We believe that the administrative deliverance of the 146th General Assembly against the Independent Board was unconstitutional. The order to resign was not a lawful order within the meaning of the Constitution, and disobedience to it was therefore no offense.

3. We believe that this action in effect changes the terms of ministerial communion in the Church, amending the constitution by indirection and adding requirements not laid down in the organic law.

4. We believe that this action, which upholds the so-called "mandate" of 1934, by substituting the word of man for the Word of God is contrary to the doctrine of the Church as laid down in the Confession of Faith, Chapter XX and Chapter XXXI.

5. We believe that these cases are doctrinal through and through, and that their doctrinal character is manifested in two ways: First, in that they raise the whole question of the nature and extent of authority in the Church, which is a profoundly doctrinal question, and Second, in that the 146th General Assembly ordered the defendants concerned to support the official agencies of the Church which these defendants could not in conscience do because they sincerely believed the agencies in question to be implicated

in teachings contrary to the Word of God as expressed in the doctrinal standards of the Church.

6. We believe that after having refused to allow these defendants to produce evidence concerning the doctrinal unfaithfulness of the Board of Foreign Missions of The Presbyterian Church in the U.S.A. on the ground that that Board and its members were not before the trial courts, it was unjust to condemn them in the final judgments for having allegedly defamed the said Board or individuals connected with it.

7. We believe that the final judgments err in that they do not recognize or take into account the fact that the activities of the defendants were primarily devoted to the maintenance of their sixth ordination vow, "Do you promise to be zealous and faithful in maintaining the truths of the gospel, and the purity and peace of the Church; whatever persecution or opposition may arise unto you on that account?" We do not believe that the peace of the Church can be separated from its purity, and that without purity it can ever be truly at peace with God.

8. We believe that the references to and quotations from the Charter of the Independent Board do not, when understood in their plain and ordinary meaning, set forth the said Board as having any connection with the Presbyterian Church in the U.S.A., or as being an organization within the said Church in competition with its official board. The word Presbyterian in the title of the Board is, we believe, descriptive of the kind of missions to be propagated. We do not believe that the Presbyterian Church in the U.S.A. has any monopoly on the name or word "presbyterian."

9. We believe that the result of this series of judicial decisions tends more and more toward a totalitarian church, wherein and through which all the religious activities of its members must more and more be exclusively expressed. We believe this conception of the Church to be inconsistent with the conception of the Church set forth in our standards subordinate to the Word of God, and in the Word of God itself.

10. We believe that the Protestant right of private judgment, involving absolute liberty not to be bound by man contrary to the Word of God, is not left behind when a person enters the communion of the Presbyterian Church in the U.S.A., but that we are rather bound by its constitution to claim and defend this right at all times. No Church judicatory ought to pretend to make laws, to bind the conscience in virtue of their own authority. Liberty to resist such usurpations of power is clearly granted in our constitution. Therefore we believe that these defendants should not have been declared bound by the 1934 deliverance, or by any enactment of any judicatory which in effect violated the constitution, as we believe, by binding their conscience in virtue of merely human authority.

11. We believe that there are other errors in the judgments concerned which will appear upon a study of the record of the various cases. Against these and those herein specifically set forth we sincerely and solemnly protest, praying that

the Sovereign God may overrule what we believe to be unjust toward these defendants and contrary to our standards, to His own praise and Glory.

[PROTEST No. 8 is exactly the same as PROTEST No. 7, excepting that it refers to the McIntire and Machen cases and is signed by other persons. An identical protest was offered in Case No. 5, the Buswell Case, but was rejected because the Stated Clerk ruled that when giving notice of protest at his desk the protestees had inadvertently signed the wrong piece of paper. This, he held, forfeited their right to protest, although everyone knew exactly what had been intended.]

PROTEST No. 9

The undersigned, a Commissioner to the 148th General Assembly of the Presbyterian Church in the United States of America, hereby respectfully protests, as provided in the Book of Discipline, against the action of the General Assembly in Non-Judicial Cases Nos. 1 and 2, being the complaints of Edwin Rogers et al against the Presbytery of Lackawanna in its actions respecting the Rev. Henry W. Coray taken September 26, 1934, and November 12, 1934, deeming the said action to be erroneous for the following reasons:

1. *The action taken against Mr. Coray was unjust and un-Christian in its attempt to prevent a minister who sincerely believed that he had had a divine call to the mission field from going out in obedience to Christ's command. Church judicatories have no power so to bind the conscience in virtue of their own authority, and to attempt to do so is a violation of the Constitution. (Confession of Faith, Chapter XX, Section II; Chapter XXXI, Sections II and III.)*

2. The action was contrary to the Constitution of the Church in that it assumed to force Mr. Coray into the status of having become "independent" when he himself did not desire or ask to be relieved of his membership in or relationship to the Presbytery. I hold that "becoming independent" is simply one method by which a minister may deliberately renounce the jurisdiction of the Church and that this renunciation must clearly be intended as such by the minister concerned. The action of the Assembly ignores the whole point at issue, namely whether the provisions of the Book of Discipline, Chapter VII, Section 2 (b) can be applied to a minister who insists that he has no intention of declaring himself independent, simply assuming that it was proper "under discretion granted to the Presbytery," all of which was the whole point at issue.

3. The action was contrary to the Constitution of the Church in that its second paragraph clearly indicates that the Presbytery considered Mr. Coray guilty of an offense in his association with The Independent Board for Presbyterian Foreign Missions. The only proper remedy for such a condition would have been for those who believed him guilty of an offense to have filed charges against him. He had his right in his day in court to determine whether his association with the Independent Board is indeed "repudiation of the jurisdiction of the General Assembly," since he himself did not con-

sider or avow it as such. When Presbytery erased his name from its roll it, in effect, expelled him from the Church without trial. No man should according to the law be declared "independent" without trial when he himself insists that he has at no time declared or intended to declare himself independent. His act then should become a subject for judicial determination.

4. The action of the 146th General Assembly against the Independent Board was, I believe, unconstitutional. Therefore no part of the said action was binding upon the Presbytery of Lackawanna, which was and is under a positive duty to resist unconstitutional acts by any judicatory.

PROTEST No. 10

The undersigned, a commissioner to the 148th General Assembly of the Presbyterian Church in the U.S.A., respectfully protests against the action of this Assembly in Non-Judicial Case No. 5, being the complaint of Geo. N. Marston et al against the action of the Presbytery of Donegal in refusing to take action rescinding certain resolutions adopted by the Presbytery on September 18, 1934, deeming the action of the General Assembly erroneous for the following reasons:

1. The first resolution adopted by the Presbytery which was, "Be it resolved that this Presbytery urges upon every Church member within our bounds the duty and privilege of being co-workers with God in saving men through Christ through their contributions to the Boards of the Church," in using the word "duty" in an unqualified sense implies an unconstitutional and unscriptural denial of the right of the Church members to designate contributions to other causes than the official Boards of the Church, the right of Church sessions to distribute undesignated offerings as they deem wise, and the true Christian motive of free, joyful giving (Directory for Worship, Chapter VI, Sections III and IV).

2. The second resolution which was: "Be it resolved further that the Churches be urged not to ordain any man to the Ruling Eldership who is not heartily in sympathy with the great missionary and benevolent ways that the Boards of the Church are carrying on," urges upon every congregation an action that is (1) unwise, because it ignores the possibility that any human agency may become corrupt, and the accumulated evidence which has led many to the conclusion that the Boards of the Church are doctrinally unfaithful, (2) Unconstitutional, because the constitution includes no provision that any one proposed for the Ruling Eldership should be examined concerning his support of official Boards and agencies; (3) without scriptural warrant. Each of the Constitutional questions laid down in the Form of Government can be supported with Scripture. None can be produced to demand support of official Boards.

3. The third resolution, which reads "Be it resolved further that this Presbytery will not ordain any man or install any man as Pastor over any of its churches, who cannot wholeheartedly lead his church in supporting the work

of giving Christ to the world and winning the world to Christ that our beloved Presbyterian Church is carrying on," expresses a clear and admitted intention on the part of the Presbytery to insist upon support of the official boards as a requirement of ordination or installation. This requirement is extra constitutional and repugnant to the whole spirit of our law. This Assembly erred, I believe, in holding that while a Presbytery cannot be required to add to the constitutional requirements, it can, in order to be "satisfied" concerning any candidate, require a pledge of that which is not required in the constitution. To do so is in effect to amend the constitution so far as that Presbytery is concerned, and to exclude men otherwise constitutionally qualified. If the constitution is to apply to the whole church, and if the Church is an integral unit and not a mere loose federation of Presbyteries, then no Presbytery should

Here Where the Fathers—

Here where the fathers built an altar, plain
For all to see, the pledge of liberty;
Yes, even this historic, holy fane
They desecrate with petty tyranny.

Upon this very ground that once showed,
red,
The struggle of our people to be free,
A standard they have trampled and, instead,
Have raised the flag of pagan infamy.

Now, on those loyal souls who still to God
Alone their service render, they have heaped
Their persecution. Can this very sod
Remain quiescent, seeing what is reaped

Of worldly loss, by those who will not bow
Their necks beneath the yoke of churchly
men,

To do what Christians have to disallow?
He, who is looking down, knows surely when

Once sacred stones no longer to His praise
Resound but rather celebrate the law
Laid down by puny humankind who raise
Their own authority, uncouth and raw,

Above His sovereign will. Proud walls decay
In many a sacred edifice; down, down
Let all of them go falling that today
Seek to usurp His power in field or town.

The boundaries of Thy church, to us unknown,
Not made with hands and only seen by Thee,
Enclose the souls that shall be called Thine
own,

Redeemed from death through all eternity.

—Grace Buchanan Sherwood.

be allowed to set up extra constitutional tests as terms of communion, either directly or indirectly.

PROTEST No. 11

The undersigned, a commissioner to the 148th General Assembly, hereby respectfully and solemnly protests the action of the General Assembly in making the preliminary judgment of the Permanent Judicial Commission in Non-Judicial Case No. 8 the final judgment of the General Assembly for the following reasons:

1. I believe that the distinction between the obedience by a lower judicatory of an administrative deliverance of the General Assembly was confused with disobedience to a decision reached after process. To hold that a majority in a Presbytery, or a minority, cannot plead the Constitution of the Church against an administrative deliverance of the General Assembly is to destroy constitutional government and guarantees, and to place the will of a transient majority in the General Assembly above the provisions of the Constitution.

2. I believe that a minority has a right to resist by means of a complaint an administrative action of a Presbytery which they believe to be contrary to the Word of God. *For a Presbytery to obey an unlawful order of an Assembly is sin.* To deny to members of a Presbytery the right to question by a complaint the lawfulness of the Presbytery's obedience by declaring, "A lower judicatory cannot be complained against for obeying the decision of a higher judicatory," is to destroy liberty of conscience and the demands of the Word of God.

3. I believe that there is nothing in the Constitution of the Church which demands that a Presbytery obey implicitly an administrative deliverance of the General Assembly. Such deliverances are not necessarily binding upon any lower judicatory. The Law of the Church was not amended by the administrative deliverance of 1934.

4. I believe that the action of the Synod of New Jersey finding the complaint brought before it from the Presbytery of West Jersey not in order, without having first heard the parties to the complaint, in accordance with the Book of Discipline, Chapter XII, Section 12, and for the one reason given by the Synod: "No matter whether the action of the General Assembly was constitutional or not the Presbytery was justified in obeying the injunction of the General Assembly," against which complaint was made to the Assembly, was contrary to the Constitution of the Church, and should have been so declared by the General Assembly.

5. I believe that the complaint brought to the Synod from the Presbytery, having been signed by more than the one-third required to stay an action (Book of Discipline, Chapter XII, Section 15), effected a stay, and that the General Assembly should have taken cognizance of this fact.

PROTEST NOT RECEIVED

The undersigned, a commissioner to the 148th General Assembly of the Pres-

byterian Church in the U.S.A. respectfully protests against the action of this Assembly in non-judicial case No. 7, being the complaint of the Rev. J. Norris McDowell against the Synod of Pennsylvania, holding the action taken to be erroneous for the following reasons:

I believe it to be the duty of any lower judicatory to resist unconstitutional actions of a higher judicatory. If a higher judicatory issues instructions at variance with the provisions of the Constitution, the lower judicatory must choose which to obey. For the higher judicatory to demand implicit obedience is not Presbyterianism in any form, and is a denial of basic Presbyterianism and amounts to nullification of the Constitution. If a lower judicatory for any reason obeys or is induced to obey, the unconstitutional orders of a higher judicatory, this also is nullification, a direct repudiation of Protestant principles, and should be a valid ground of complaint.

PROTEST NOT RECEIVED

The undersigned, a commissioner to the 148th General Assembly, hereby respectfully and solemnly protests the action of the General Assembly in making the preliminary judgment of the Permanent Judicial Commission the final judgment of the General Assembly in Non-Judicial Case No. 16, a complaint of the Rev. J. U. Selwyn Toms, for its action in dismissing a complaint against the Presbytery of West Jersey in reconsidering and rescinding an overture which it had adopted concerning Modernism in the Board of Foreign Missions, for the following reason:

I do not believe that the evidence of Modernism presented to the Presbytery when it adopted its overture with only one dissenting vote was answered when the Presbytery reconsidered its action. The original evidence presented to the Presbytery when it adopted the overture, and the answers to that evidence presented by the Board of Foreign Missions through its senior secretary, Dr. Robert E. Speer, and the commentary upon the same pointing out the failure of this reply to answer the real evidence, were before the Judicial Commission in a document of 96 pages entitled "Dr. Robert E. Speer, The Board of Foreign Missions of the Presbyterian Church in the U.S.A. and Modernism." I believe that the original cause for overture still remains.

PROTEST NOT RECEIVED

The undersigned, a commissioner to the 148th General Assembly, hereby respectfully and solemnly protests the action of the General Assembly in making the preliminary judgment of the Permanent Judicial Commission the final judgment of the General Assembly in Non-Judicial Case No. 9, a complaint of William A. Chamberlin et al. against the Synod of New Jersey for sustaining the action of the Presbytery of West Jersey in the matter of a protest of the Rev. Carl McIntire, for the following reason:

I believe that the right of protest and the right to have that protest entered on the record, if couched in decorous and respectful language as in this case, is a constitutional prerogative guaranteed to every minister and member of the Church,

The
Church Extension Committee
 of the Presbyterian Church
 of America
 has opened its offices at
 1212 Commonwealth Building,
 Philadelphia, Penna.
 in charge of its
General Secretary,
 The Rev. Edwin H. Rian

Contributions for this all-important work should be sent to that address. Draw checks to the order of Paul Woolley, Treasurer.

and that a complaint against an action of the Presbytery failing to secure these constitutional rights is a proper matter of adjudication by the General Assembly. (Book of Discipline, Chapter XI, Sections 2, 3, 5, and 6.)

CONCLUSION

It was not in any sense a great Assembly. It was an Assembly in which issues were consistently covered up. I doubt if most of the commissioners had the slightest idea of the real principles involved in the Independent Board Judicial decisions. They had been told that "the issue is not doctrinal, it merely has to do with Church government." They were not told that this whole matter of Church government, its powers and its Biblical limits is the profoundest doctrinal question imaginable. So they made their part of the Great Betrayal in ignorance, but it was the Great Betrayal just the same. On the central issue of the Reformation the Presbyterian Church in the U.S.A. has repudiated the Reformation. The Lord Jesus Christ is no longer its only Head and King, for now His Word must share the primacy with that of the General Assembly and must indeed give way if the two commands conflict. The present writer saw all this with a heavy heart,—not for the censure inflicted upon him, for it is in God's sight as light as it is unlawful, but for the honor of the Lord Jesus Christ. After June first, when the Great Betrayal took place, he honestly felt as if he

were watching the meaningless movements of a corpse that did not know that the soul had left the body. Certainly the true spiritual succession of the Presbyterian Church in the U.S.A. is the exact, Protestant opposite of all that was so solemnly legalized and declared in Syracuse. Knowing these things, what could any true descendant of our Protestant forebears do except to continue the physically interrupted witness of our faith apart from an outward organization that has denied it? We do not say that there are no Christians in the organization known as the Presbyterian Church in the U.S.A. We do not say that there are not Christian Churches within it. We do say that as an organization it has apostatized from the Lord Jesus Christ and that anyone knowing these things and remaining in it is living in sin. Those who do not know or understand what has happened cannot be held culpable, but so long as they are connected with an organization which has denied Christ they ought to be the objects of our prayers and consecrated efforts. Their souls are in peril and we will, in turn, be culpable if we do nothing about it. If this should be labelled a breach of Church comity, we ought to reply that truth knows no comity with error, faith with unbelief, loyalty with disloyalty. God has not made any of us the judge of whether our erring fellowmen are in Christ or not. For this I am profoundly grateful. I hope to see them all in Heaven. But if and when we gather there it will be all of grace, all standing upon the merit of the Lord Whose Word has been trampled underfoot and Whose authority has been flouted by a once-great visible Church. There was a man long ago who denied His Lord, and who came in later ages to be known as the Prince of the Apostles. But in the interval between his disloyalty and his real ministry he went out and wept bitterly. Save for his repentance he would have made his bed with Judas in Hell. God grant that the visible organization which has denied the Headship of Christ may, like Peter, repent and weep bitterly. Unless and until she does, those who have loved her with a great and tender love cannot regard her as a true Church of Christ, or have fellowship with her. To do so would be, for us, to join in denying their Lord also.

—H. McALLISTER GRIFFITHS.

The Sunday School Lessons

By the REV. L. CRAIG LONG

July 12, "Witnessing Under Persecution." Acts 4: 5-12; I Cor. 1: 21-25.



Mr. Long

THIS lesson is timely. It would never have been an historical fact if God had not caused two of His servants, Peter and John, to perform a mighty miracle (Acts 3:6-8), and had not God caused Peter to preach a sermon to those who assembled themselves on Solomon's porch (Acts 3:11-26).

The result of that which is described in Acts, chapter three, is set forth in Acts 4:1-12: (1) The Church machinery was aroused to jealous hatred against those who had been thus used of God; (2) Peter and John were arrested for their part in God's work; (3) The trial was held; (4) The defense was made by "Peter, filled with the Holy Spirit."

The timeliness of this lesson may not have been considered when the International Lessons were selected years ago, but true Presbyterians have been seeing this scene re-enacted by God's grace in this present year of the history of the Presbyterian Church in the U.S.A. Let us make several suggestions for teaching this lesson: (1) Observe how a truly great manifestation of God's power working through His prophets or Disciples of Bible times was always followed by persecution. The pendulum has kept swinging from one extreme to the other, and we seem at this moment to be in a period of terrible doctrinal weakness and uselessness to God. We must pray that a purified church may result from another great outpouring of God's power upon the true Christians of this world. We have found that no successful soul winning or indoctrination was done while it was God's permissive will for us to try to "reform" a so-called conservative church. True

(EDITOR'S NOTE: *We regret exceedingly that matters beyond our control make it necessary to omit the Sunday School Lesson study for July 5th.*)

soul-winning and doctrinal growth began when a separation of the saints from the unregenerate took place. (2) Observe how the great religious persecutions of the Christian Church have been from within. The Church of Rome forced Martin Luther out of the Catholic Church of his day. He had tried to "reform" that church. Peter and John were tried before an ecclesiastical court. Jesus was despised and called worthy of death by an ecclesiastical court. The truly orthodox Christian minister or ministerial student who claims to be able to attend the ministerial meetings of his town or a Divinity School of the doctrinal complexion of Yale or Harvard should make this test of his welcome in those associations: He should read a paper before the assembled professors, fellow-students or fellow-clergymen on the subject of his belief that "there was none other good enough to pay the price of sin" and that "He *only* could unlock the gate of heaven to let us in." Peter and John would have been as free of trouble within the ecclesiastical machinery of their day as certain well known "conservative" ministers of the Churches of today are now free from ecclesiastical discipline, if they, like these modern conservatives, had refrained from being orthodox enough to use a text like Acts 3:23 or Acts 4:12; (3) Observe, also, Peter's defense and how we ought to avail ourselves of every occasion to make a testimony concerning the way of salvation. These are days when Satan is trying to get God's servants to fight on minor points before the major issues are settled in our lives. The battle against doctrinal heresy must be fought out with God's enemies before we lock swords with the enemy on matters of Church policy. (4) Finally, observe how Peter plainly drew the issue as a battle between the ecclesiastical machine and "the stone which was set at nought of you the builders" (v. 11). We ought to keep fully informed concerning the issues within the church to which we belong and realize that when a church officially refuses to have a minister preach the

gospel of Christ's full atonement for the sins of God's elect, that church is as dead as it can ever become. "Window-dressing" to appear orthodox is the present-day means which Satan is using to deceive the weaker brethren, but even the weaker brethren can be on the right side of every issue if they will only remember that a man who is against the gospel of Christ can never be trusted on matters of church discipline.

It is "by the foolishness of preaching" the gospel that God has planned to have men receive a message which alone is able to save them. I Cor. 1: 21-25 show how this gospel is a stumbling block to the Jews and foolishness to the Gentiles. We know, however, that it is the "power of God unto salvation to everyone that believeth; to the Jew first and also to the Greek" (Romans 1:16). In these days when the machinery of the decadent church has failed to win souls to Christ we ought to re-read Romans 10:8-15 as proof that it is by the program of gospel preaching that souls can be saved; we ought to re-read the great commission to recall to our memories the fact that preaching is the mission of the church; we ought to re-read today's lesson to remind us that no church can be built by men. Christ said, "Upon this rock I will build my church." We ought also to re-read Acts 4:12, to render ourselves unable conscientiously to sit at meat with a unitarian minister, just for the sake of ministerial fellowship.

July 19, "Social Service in the Early Church." Acts 4: 32-35; II Cor. 8: 1-9.

"And the multitude of them that believed" (verse 32). The membership of the Christian Church had, at the time of this incident, reached about five thousand men (Acts 4:4). This is the witness of how greatly God blessed the apostolic preachers of the true doctrines of God's Word. Man's inability to know or judge the number of "God's elect" residing in his own city, state or nation prevents him from denying that it may be in the provi-

dence of God to bless, with the same measure of visible success in the matter of conversions unto Christ, those who would boldly preach the same doctrines which the Apostles preached. On the other hand no man is able to deny that this may be a day when the elect are residing for the greater part in lands which to date have not heard the gospel of Jesus Christ proclaimed unto them. It behooves us to seek by God's grace to be accurate preachers and teachers of God's Word, so that God may use us in witnessing to His elect wherever He leads us. Those who foolishly (for the sake of sentiment) seek to remain teachers and ministers in denominations which have officially denied the gospel of Christ, as Peter and Paul proclaimed that gospel, ought at least for expediency's sake to cease casting pearls before swine (with no success for Christ) and begin teaching and preaching unto those who have never heard. Paul's view on this matter is expressed in Romans 15:20, "Yea, so have I strived to preach the gospel, not where Christ was named, lest I should build upon another man's foundation: but as it is written, To whom he was not spoken of, they shall see: and they that have not heard shall understand."

Those five thousand men were members of the same Church, and that they "were of one heart and soul" is only to be explained by a proper understanding of the transformation which had taken place in their lives when they believed orthodox Christian doctrine. The re-birth had been accomplished by the Holy Spirit, and He had taken up His abode in the heart of each one whom He had previously regenerated and caused to have faith in the redeeming death of Christ as the way of that sinner's salvation. The Holy Spirit causes certain specified fruits to be manifest in the bodies (or temples) in which He dwells. "But the fruit of the Spirit is love, joy, peace, longsuffering, gentleness, goodness, faith, meekness, temperance" (Gal. 5:22-23). The divisive influence within visible churches today is due to heterodox doctrines. We must have purity of doctrine if we have any hope of gaining the singleness of heart and soul which the apostolic church experienced.

Verses 32-35 describe at least three major results of the Holy Spirit's ministry in the hearts of the apostolic church members: (1) "and not one

of them said that aught of the things which he possessed was his own" (vs. 32); (2) "And with great power gave the apostles their witness of the resurrection of the Lord Jesus" (vs. 33); and, (3) "as many as were possessors of lands or houses sold them, and brought the prices of the things that were sold, and laid them at the apostles' feet" (vs. 34-35).

The very opposite results are being manifest in the great majority of visible religious institutions today: (1) in the most orthodox circles there are those who *pay* God a tenth of their income and seldom, if ever, are known to *pay* God a tenth of the principle; it is always the gain that is tithed or divided; (2) in the most dominant church functions we do not hear sermons which witness to the resurrection of the Lord Jesus but hear strange doctrines which are foreign to Christian teaching; (3) while deficits face the Boards and agencies of visible churches, and while the majority of churches are so hard pressed for funds that they have entered the amusement business to gain revenue, we have never heard of any recent instance of a sale of land or a house owned by a person who wished to lay the return from the sale of his own private property at the feet of those who are seeking funds to evangelize the world for Christ. Even Christians are buying property today beyond their normal needs rather than selling it.

This passage does not teach that *all* the members gave *all* that they possessed so that *all* would be totally dependent upon the treasurer of the church for bread and butter. Neither do we have the right to call this passage a "social service" lesson according to the standards of social service which we see conducted by the Community Chests and social service agencies. What it does mean is that no Christian stood by and allowed himself to possess more than the number of houses or more than the amount of land which he needed while another member of the same "household of faith" to which by God's grace he belonged, was in need of the necessities of life. We call a child selfish if he persists in having ten pieces of candy while his own sister has none at all. We are often prone to believe that it is Satan's fruit rather than the Holy Spirit's fruit when we see the witness for Jesus Christ held back in New England or China while persons professing membership in the same

blood-bought family have enough money, property and help to make their communities veritable spiritual banquets 365 days in the year. Let us take notice of the famine of God's Word which some of our Christian brethren are seeking to alleviate in parts of the world to which God has called them to witness and let us "sell" enough to help our brethren's needs which are involved for Christ's sake. We heard with saddened heart recently of a certain *extra* Christian program which church members were conducting in a certain city at the enormous seasonal cost of \$25,000 and we wondered why it had been so hard to interest "Christian brethren" in the need for providing \$2,000 just once so that a church in another part of the same land might be made warm enough for unconverted sinners to hear the gospel for the first time. These are irregularities which are not the fruit of the Spirit. A truly Spirit-guided "social service" is needed among the brethren if the gospel of Christ is to be propagated evenly throughout this vast world.

We make the final suggestion that the witness which the Christians of the Apostolic Church gave to the resurrection of Jesus Christ was not limited to just that one doctrine but was probably much like Peter's Pentecost sermon and was climaxed by the glorious victory which Christ accomplished over death.

A Modern Allegory

(Concluded from Page 117)

asks for directions to the Island of the West. Mr. Broad replies, "That is a beautiful idea. And if you will trust an older traveller, the seeking is in the finding."

Finally, the pilgrim submits to Christianity which is pictured as diving into a pool of water. As he stands there a number of the ghosts of some of the preceding characters come to prevent this step. The leap is taken with his friend and companion, Ver-tue. The last section is entitled *Re-gress* and brings out the title of the book. The pilgrim begins his life over again and becomes as a little child, returning with joy to Puritania.

Although we do not agree with the author's theology, nevertheless there is much that we have in common with the message of his book. We greatly appreciated this unusual style of exposing the fallacies of unbelief.

CENTRAL NORTH BROAD ADOPTS WITHDRAWAL RESOLUTION

Pastor Ousted by Presbytery

THE following resolution was adopted by the congregation of Central North Broad Street Church at a meeting held June 5th. Only 23 dissenting votes were cast out of a total membership of more than 500. In adopting the resolution the congregation has declared itself wholeheartedly in sympathy with its pastor, the Rev. Merrill T. MacPherson, recently suspended from the ministry by the Presbytery of Philadelphia.

"In view of the actions of the 148th General Assembly of the Presbyterian Church in the U.S.A.:

"BE IT RESOLVED, that we, the Congregation of the Central North Broad Street Presbyterian Church, do utterly repudiate and disavow the un-Christian and un-Presbyterian actions of the 148th General Assembly of the Presbyterian Church in the U.S.A. We believe that these actions have caused the once great body to forsake and sever itself from its true Reformed and Presbyterian heritage;

"THEREFORE BE IT FURTHER RESOLVED, that this Church does not desire to join in this departure from the fundamental faith of our Presbyterian forefathers. Therefore, we stand on the doctrinal basis on which this Church has stood from its beginning, and declare that the body which has taken this apostate action has no longer any jurisdiction, control, or authority over us. This we do for the glory of God and the maintenance of His truth.

"BE IT FURTHER RESOLVED, that a copy of these resolutions be spread upon the minutes of this meeting and a copy be sent to the Presbytery of Philadelphia."

Within the following week the Vacancy and Supply Committee of Philadelphia Presbytery notified Mr. MacPherson that he would not be allowed to hold further services in the church building. Locks on all the doors were changed, and Mr. MacPherson found himself unable to gain entrance. The Presbytery denied all knowledge of this action.

On Sunday, June 14th, Mr. MacPherson made no attempt to compete with the Rev. Aquila Webb, who replaced him in his former pulpit. Instead he held a widely publicized meeting in LuLu Temple, a few blocks away. Attendance at Mr. MacPherson's service: Morning—800,

Evening—1040; at Mr. Webb's service: Morning—50, Evening—40.

PHILADELPHIA PRESBYTERY ADOPTS HITLER METHODS

Suspends Minister, Introduces Gag Rule, Ousts Pastor

ON MONDAY morning, June 8th, formal notices of resignation from the Presbyterian Church in the U.S.A. and complete and final renunciation of the jurisdiction of that organization were sent by the following ministers to their respective Presbyteries:

The Rev. Merrill T. MacPherson, pastor of the Central North Broad Street Church; the Rev. Edwin H. Rian, field secretary of Westminster Theological Seminary; the Rev. H. McAllister Griffiths, editor of THE PRESBYTERIAN GUARDIAN; the Rev. Ned B. Stonehouse, assistant professor at Westminster Seminary; the Rev. Paul Woolley, registrar, Westminster Seminary; the Rev. Allan A. MacRae, assistant professor, Westminster Seminary; the Rev. Robert M. Holmes, stated supply pastor of Faith Presbyterian Church; the Rev. Charles J. Woodbridge, General Secretary of The Independent Board for Presbyterian Foreign Missions; the Rev. John B. Thwing, pastor of the Knox Presbyterian Church; the Rev. David Freeman, pastor of Grace Presbyterian Church; the Rev. Dr. J. Gresham Machen, professor of Westminster Seminary; the Rev. Bruce F. Hunt, a missionary of Chungju, Korea.

Text of the letter sent by at least eight of these ministers follows:

"June 8, 1936.

"To the Stated Clerk of the Presbytery of Philadelphia:

"Believing that the actions of the 148th General Assembly of the Presbyterian Church in the U.S.A., sitting as a court, in Judicial Cases Numbers 1, 2, 3, 4, and 5, and Non-Judicial Cases Numbers 1, 2, 3, 4, 5, 6, 7, and 8, were contrary to the Word of God, a substitution of man's authority for that of God Himself, a dethronement of the Lord Jesus Christ as the church's only Head and King, we can no longer retain any connection with the present organization. We entered into the office of the ministry in the Presbyterian Church in the U.S.A. voluntarily because we believed the doctrine and polity of that Church to be founded on and agreeable to the Word of God. We are now compelled to leave the present

organization because we believe it has apostatized from the Word of God. In order to continue the true spiritual succession of the Presbyterian Church in the U.S.A. and to fulfill our obligations as true Presbyterian ministers of Christ we, on this eighth day of June, A.D. 1936, at 10 A. M., hereby declare our connection with the present organization of the Presbyterian Church in the U.S.A. to be at an end. We are neither abandoning the ministry nor declaring ourselves independent, but are simply exercising the right and obligation of Christian men to obey God by withdrawing themselves from an outward organization which has dishonored and denied the true and rightful sovereignty of Jesus Christ speaking in His Word."

At the meeting of Philadelphia Presbytery that evening Auburn Affirmationist Moderator George Emerson Barnes, D.D., ruled emphatically that no one can resign from the Presbyterian Church in the U.S.A. He read at length and with magnificent irrelevance from the works of Charles Hodge but, when asked what the citations had to do with the case at hand, replied, "I just read it for what it was worth."

The Rev. James W. Price, pastor of the Susquehanna Avenue Church, asked Stated Clerk I. Sturger Shultz, through the Moderator, whether or not he had received the letters of resignation. Moderator Barnes did not permit Mr. Shultz to reply, stating that the question had no bearing on the case.

When the time arrived for carrying out the sentence of suspension against those ministers so ordered by General Assembly's Permanent Judicial Commission, it was discovered that none of the victims were present. The execution proceeded merrily, however, even without a *corpus delicti*. After the reading of the sentence of suspension, Moderator Barnes prayed eloquently that the Holy Spirit might so work on the minds and spirits of these brethren that they would turn from their erring ways, bring forth fruit worthy of repentance, and return to the fold.

The case of the Central North Broad Church, whose pastor had just been "suspended," was then referred to the Committee on Vacancy and Supply in order that the pulpit might be declared vacant and a minister supplied to replace Mr. MacPherson. The names of approximately seven elders were read with the request that they be not allowed to function as elders until further notice. Many protesting voices were raised, and one member

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H. McALLISTER GRIFFITHS

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of presbytery said that either *all* or *none* of the elders should be suspended. This appeared to Dr. Barnes as little short of inspiration, and it was immediately voted to suspend them all. When one protesting elder from Central North Broad Church denounced the action and said his church would submit to no such rail-roading tactics, Dr. W. T. Buchanan cried, "Throw him out!"

A resolution was then adopted directing the session of the church to turn over its books of account, minute books, deposit books and check books to the Stated Clerk of Presbytery.

Final action of the evening was the adoption of a resolution which forbade, in true Hitler fashion, all criticism of any and every function of the Presbyterian Church in the U.S.A. in any church, or organization connected with the church, within the Presbytery of Philadelphia.

COLLINGSWOOD CHURCH WITHDRAWS BY 479-8

AT ITS congregational meeting held on Monday evening, June 15th, the Collingswood Presbyterian Church by an almost unanimous vote passed a resolution repudiating the jurisdiction of the Presbyterian Church in the U.S.A. Communicant members voting in favor of withdrawing from the apostate denomination numbered 479; only eight members voted negatively.

The discussion period preceding the voting developed into a testimony meeting during which various members in quick succession testified to the way in which God had used the

church to bring to them salvation, or a deeper love for His Word and a more perfect understanding of it. Most of them pleaded that the church could continue to bear such fruit only as it maintained the stand taken by its pastor, the Rev. Carl McIntire, and proved the sincerity of its earlier statement to the presbytery, signed by officers and teachers, to the effect that what the presbytery did to its pastor it did to the congregation. Enthusiasm was great and each speaker met with a warm response.

A second resolution was unanimously passed to the effect that the present staff of the church, including pastor, elders, trustees, secretary, office clerk, organist, chorister, etc., be retained, and that the trustees be given authority to take whatever steps may be necessary with regard to the property of the Church.

The question of the possibility of holding the church property was discussed, and the attitude of the group as a whole was well expressed by one of the elders who pointed out that in God's sight the Collingswood Presbyterian Church was not a building, but a congregation and a pastor, and that so long as loyalty to the Lord Jesus Christ was maintained there need be no anxious thought.

NEW CASTLE PRESBYTERY ENFORCES "MANDATE"

ON THURSDAY, June 18th, the New Castle Presbytery met for the purpose of taking action against the Rev. Harold S. Laird, pastor of the First and Central Presbyterian Church, Wilmington, Delaware. After being rebuked for his membership on The Independent Board for Presbyterian Foreign Missions, Mr. Laird was asked whether he was still a member of the Board. Upon his answer in the affirmative, one of the members of Presbytery jumped to his feet, saying: "There! From his own lips we have it—guilty!"

The Presbytery then proceeded to suspend Mr. Laird. His pastoral relationship with his church was dissolved, and a committee was appointed to declare the pulpit vacant.

The elders and trustees of the First and Central Church met on Friday evening, June 19th, to discuss the question of inviting Mr. Laird to continue preaching until such time as a congregational meeting can be held.

DRS. MUDGE AND BARNES PURSUE "GAG" POLICY

Christ Reformed Episcopal Church Yields to Pressure

THE convention of the Presbyterian Constitutional Covenant Union had originally planned to hold its evening services in Christ Reformed Episcopal Church, Forty-third and Chestnut Streets, Philadelphia, after receiving permission from the vestry of that church.

Not content with ousting the protesting group from the ministry of the church, and determined that they be given no opportunity to convene in any Philadelphia church, Dr. Lewis S. Mudge, Stated Clerk of the General Assembly, and Dr. George Emerson Barnes, Moderator of the Philadelphia Presbytery, attended a meeting of the vestry and persuaded them to cancel the contract.

A number of Presbyterians would, they claimed, be offended unless this action were taken. This refusal of the vestry was made after wide publicity had been given to the proposed meeting place and when there was almost no time left to find another church.

The Rev. Dr. William Barrow Pugh, assistant to the Stated Clerk, expressed to the vestry his belief that to harbor the Covenant Union would constitute a breach in the comity between the denominations. No opportunity to defend itself was given the Covenant Union.

Evidently this particular local church completely forgot that the Reformed Episcopal Church had itself split from the parent denomination under circumstances very nearly parallel to the situation existing in the Presbyterian Church in the U.S.A.

The disappointment caused by this action was, however, cleared away in the minds of most persons by the reading, at the General Assembly of the Presbyterian Church of America, of a letter from the rector and senior warden of the Reformed Episcopal Church of the Atonement. This Germantown Church expressed its sympathy with the aims of the Covenant Union and offered its auditorium for meetings. A telegram of greeting from the Rev. Robert Westly Peach, Presiding Bishop of the Reformed Episcopal Church, was also read.

WESTMINSTER STUDENT QUIETLY EVICTED AS STATED SUPPLY

McDowell Church Taken Over by Presbytery

MR. THEODORE J. JANSMA, stated supply at McDowell Memorial Church, Philadelphia, and a student at Westminster Seminary, was smoothly ousted from his pulpit by action of Presbytery's Vacancy and Supply Committee, on Sunday, June 14th. The following letter from the Chairman of that Committee needs no comment:

Ninth Presbyterian Church
Philadelphia, Pa.

June 9, 1936.

Mr. Theodore J. Jansma,
1528 Pine Street,
Philadelphia, Pa.

Dear Jansma:

Of course you understand it grieves me very much to have to write this letter to you but after our conference yesterday, it was deemed wise and proper that your relationship with the McDowell Memorial Presbyterian Church cease immediately. We recommended this to Presbytery and they sustained our recommendation that your services ended June 8th. . . .

I hope and pray that if in the days to come you feel that God can use you to greater service in our Church that you will feel free to get in touch with me or some one in our Church and be taken back into our fold. . . .

If it isn't too late I wish you would reconsider and stay with us and we will certainly stay with you. . . .

With all good wishes, I am,

Affectionately yours,
WEAVER K. EUBANK,
Vacancy and Supply Committee.

Mr. Jansma paid little attention to the communication, prepared to hold services if at all possible.

"I feel the order from the Presbytery is like that of a Pope and I cannot obey it," he said.

The Rev. Orville S. F. Cowdrick, a graduate of the School of Theology of Temple University, who was designated by the Presbytery to preach at McDowell Church, conferred nearly an hour in an ante-room with Mr. Jansma and officers of the congregation.

Mr. Jansma asked that he be permitted to make an announcement, but this request was denied when an elder, T. Reid Storey, insisted that it would be improper. Then Mr. Jansma and about 17 followers walked from the

building and Mr. Cowdrick conducted the services.

In the Elks' Home across the street Mr. Jansma addressed his group of faithful supporters on the general theme of loyalty to Christ. Arrangements were made for a further meeting of the group at the home of a member of the congregation.

THE REV. DAVID FREEMAN OUSTED FROM PULPIT OF GRACE CHURCH

Congregation Loyal to Pastor

THE Rev. David Freeman, well-known to readers of THE PRESBYTERIAN GUARDIAN, was officially ejected from his pulpit at Grace Presbyterian Church, 22nd and Federal Streets, Philadelphia, on Sunday, June 14th, by a representative of the Vacancy and Supply Committee of Philadelphia Presbytery.



First action on the part of Presbytery was to request Mr. Freeman to appear before a committee of investigation. He, of course, failed to comply, having previously renounced the jurisdiction of the denomination. He then received the following order from the recently-appointed "Presbyterial Council":

"In view of information which has come to the Presbyterial Council, the Council directs Rev. David Freeman not to occupy the pulpit or conduct other services or meetings in Grace Presbyterian Church until otherwise notified, pending an investigation of the affairs of Grace Church by the Presbytery."

The Presbytery then announced that a supply pastor would conduct

the Sunday services, but Mr. Freeman still planned to preach if permitted.

"It seems a man cannot tell the truth about Modernism in the Presbyterian Church in the U.S.A.," said Mr. Freeman, "without subjecting himself to the ruthless tyranny of the ecclesiastical machine now in control."

Sunday morning a delegation from the Presbytery, including the Rev. J. C. Castle, Jr., a member of the Ninth Presbyterian Church; Seth Brown, an elder of the same church; David Wilson, a former elder of the Ninth Church, and Dr. Vincent D. Shipley, an elder of Tabernacle Presbyterian Church, approached Mr. Freeman before the service and presented its credentials.

"I've been designated to preach here this morning," Mr. Castle said.

"Well, I'm here for the same purpose," said Mr. Freeman.

At a brief conference it was agreed that the pastor should be permitted to make an announcement and the service started with Dr. Shipley, a physician, presiding. Dr. Shipley read a statement relating the Presbytery's action in instructing its Presbyterial Council to investigate the affairs of the congregation and empowering it to act.

He then announced that the council had forbidden Mr. Freeman to "occupy the pulpit or conduct other meetings" at the church pending a full investigation by the Presbytery.

Quietly Mr. Freeman requested permission to speak to his congregation. This was granted and, in an atmosphere almost electric, he spoke only two brief sentences: "I consider this action irregular. I regard myself as being ousted from this pulpit." As he left the pulpit almost the entire congregation arose and left the building with him. Approximately 15 persons remained.

The accompanying illustration shows Mr. Freeman leading his group along the city streets.

The service was continued in the home of a member of the congregation several blocks away. Mr. Freeman, a charter member of the Presbyterian Church of America, announced that he will continue as pastor of his congregation, that, having led them out, he will not desert them. The permanent meeting-place has not yet been designated.