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Statement of Issues

BY CARL McINTIRE

In a few simple words we desire to state the main issues that confront each individual church and each individual member in the Bible Presbyterian Church. The crisis which confronts the church has been brought about over a period of time by four main factors.

I.

INCREASING POWER OVER THE LOCAL CHURCH. The group in the church which has sought for Synod control has resorted to the "courts" of the church to enforce their desires and decisions. In this process, the increased control over the local church and the denial of liberties guaranteed to the local church are clearly manifest.

Synod has no power in the Bible Presbyterian Church unless it is specifically given to it in the constitution. This we have emphasized and re-emphasized. In this we thought there was protection and guarantee of liberty to the local congregations. Rev. J. U. Selwyn Toms and I were members of the three-man constitutional committee which drafted the Bible Presbyterian constitution and presented it to the First and Second General Synods meeting in Collingswood, 1938 and 1939.

But the 19th General Synod simply took to itself power over the Collingswood Church. This church is the largest and has contributed more to the denomination than any other one testimony, yet Synod proceeded to order the Collingswood Church to place names on its roll of members and then to issue letters to a group that was forming another church from out of the Collingswood Church. This order to the Collingswood Church and to the Presbytery of New Jersey, if the Collingswood Church refused to obey, was in violation, as Dr. Allan A. MacRae has pointed out in his Minority Opinion, of specific provisions in the constitution. Rights given to the local church were denied, transgressed, and usurped by a Synod. If a Synod has this power over a local church, it can divide a church. In such division the property rights of a congregation are involved. This is an indirect way of getting at the church property and seeing that the majority as desired by a particular Synod controls the property.

We are confident that the local churches of our denomination, many of which have been kept totally uninformed

or certainly in the dark, are unaware of what has happened in this regard.

This tyranny, however, is further ratified and established by the decision of the Judicial Commission of the Synod on September 14, 1956, as reported in the Majority Opinion. Both the Collingswood Church and the Presbytery of New Jersey are warned that unless they obey the directives of Synod they are in danger of being found in *contempt*!

It is indeed a strange spectacle in the Bible Presbyterian Church which was

founded on the basis of confidence and liberty that the Collingswood Church should be told by the Judicial Commission that it is in danger of being in contempt, when, as a matter of fact, the Collingswood Church has never had an opportunity to present its side of the story or to defend itself against a judgment of contempt. The Scriptures say that a man is not to be rejected until at least after the second admonition.

To us it is almost unthinkable that a situation like this could develop in the Bible Presbyterian Church, but it has. It is real, and we cannot accept such control or power on the part of a Synod over the Collingswood Church or any church in the denomination.

The Judicial Commission has promulgated the new doctrine in the Church that its decisions in administrative cases must be obeyed, just as a decision of the Supreme Court of the United States is to be obeyed. And yet, in the decision which it made regarding the complaint from the New Jersey Presbytery, it went completely beyond the bounds of the complaint, since no question was raised in the particular complaint concerning the compliance of the Collingswood Church or the Presbytery with the order of the 19th General Synod. The Commission proceeded on its own initiative to rule on the matter of contempt! For a Judicial Commission to have its administrative actions absolutely binding upon the Church and with the Commission free to include in its decisions any matters that it may desire, though they are not properly brought before it and have not been debated or discussed before the Commission, involves the exercise of a tyranny which simply cannot be accepted. Yet this is the fact.

Another example of this tyranny which has come to light as a result of the present conflict is the decision of the Judicial Commission relative to the Bible Presbyterian Church Association, through which the churches, presbyteries, and individuals in the denomination maintain constituent membership in the International Council of Christian Churches. It is the Commission's judgment that the Synod has the right to extend or to withhold the privilege of joining to a local church.

This power over the local church on the part of the Synod is absolutely foreign to the constitution of the Bible

A CALL

A call for a 20th Synod of the Bible Presbyterian Church has been issued in response to petitions from ministers of three presbyteries—New Jersey, California, and Kentucky and Tennessee, which have renounced the 19th General Synod. The moderators of the three presbyteries signed the call. The text of the call follows:

A CALL FOR A TWENTIETH SYNOD

A call is hereby made for a Twentieth Synod of the Bible Presbyterian Church to be held in Collingswood, New Jersey, Friday, November 23, 1956, at 10 a.m., and continuing through November 27, 1956. Such a Synod is being called for the purpose:

(1) Of reconsidering all actions relative to the American Council of Christian Churches, the International Council of Christian Churches, the Independent Board for Presbyterian Foreign Missions, Faith Theological Seminary, and other independent agencies.

(2) Of taking any and all actions within the limits of the constitution relative to complaints which have been made against various presbyteries.

(3) Of re-establishing fellowship and confidence among the brethren and churches and to take any and all actions necessary and proper and that may be desired for a Synod under the constitution; and to set the time and place for the next General Synod.

Presbyterian Church. As Dr. MacRae has pointed out in his Minority Opinion, our local churches are free and our presbyteries have such authority under the constitution to unite with the Bible Presbyterian Church Association. This liberty is now denied to the local church! A more "powerful Synod" just takes power!

The Synod that assembles in Collingswood, November 23-27, 1956, repudiates all of this and is determined that it shall continue the liberty and the freedom of the churches under the constitution. The group that will meet in Columbus stands with the majority in the Judicial Commission's decision, and represents also the group which has usurped and grabbed power in the Synod and tried to force the Collingswood Church to put names on and to take names off its roll. Only the session of the church, under our constitution, has the authority to add names to a church roll. This duty belongs solely to the session. Every session and local church is involved in this effort to "force" Collingswood.

I appeal to every elder in the denomination to study the decisions of the Judicial Commission and the directives of the 19th General Synod and see that what we are here saying is right. The group which goes on with this concept of the Church has turned aside from the historic position of the Bible Presbyterian Church.

II.

THE REPUDIATION OF THE INTERNATIONAL COUNCIL OF CHRISTIAN CHURCHES AND THE AMERICAN COUNCIL OF CHRISTIAN CHURCHES. The Bible Presbyterian Church from the very beginning of both the ACCC and the ICCC has had a place of valiant leadership, and the whole broad view of Christian fellowship and co-operating together with those of like precious faith has been ours. The 19th Synod turned away from this. The 19th Synod took drastic action and what it did to the International Council of Christian Churches around the world has hurt the separatist cause. There are those of us who care! The Synod which meets in Collingswood will be composed of those throughout the denomination who want to continue the support of the ICCC with its missionary vision, and help the ACCC in the battle which it is carrying on in the United States for consistent separation from apostasy. Since the denomination had in the Councils men in places of responsible leadership—one as president of the Associated Missions of the ICCC, Dr. J. Gordon Holdcroft, and the president of the ICCC, Dr. Carl McIntire—for it to do what it did in withdrawing involved not only a repudiation of these agencies but also of their own individual brethren who were in places of leadership. This has hurt. In

order to repudiate these men, they repudiated the organizations with which they were identified!

When the Bible Presbyterian Church Association was first formed, it was freely said that the churches were free to join as they felt led. But when the drive claiming that the Association was unconstitutional and illegal developed, churches were advised not to affiliate with it. The Bible Presbyterian Church Association provided the only way through which Bible Presbyterian ministers and churches could maintain constituent membership in the ACCC and the ICCC, and under the ICCC's constitution the officers have to be from constituent bodies. The drive against the Bible Presbyterian Church Association was an extension of the drive against my continuing in my place as president of the Council. It was thought by many that, when the church withdrew from the ICCC, I would either have to resign from the Council's presidency or leave the denomination; and when the Association came into existence, the struggle continued in the Church against the Association which made it possible for me to remain in the denomination and also to remain as president of the International Council of Christian Churches. God has given me a responsibility in the ICCC which I believe He wants me to continue in.

The ICCC is not perfect. I, myself, have made mistakes in my decisions and in my judgment, and I have admitted these as they have been brought to my attention, and sought to correct them. God is using the ICCC for His glory.

But the Bible Presbyterian Church is out of the ACCC and ICCC. Its emphasis is upon "the Church," a "maturing Church" which has no place in its broader ministry for these Councils, but will concentrate its energies upon itself and its Synod control! This is the new concept of the Bible Presbyterian Church which has been embraced.

The group that meets in Collingswood believes that a part of building the Bible Presbyterian movement is to co-operate with others of like precious faith, to challenge our congregations and people with the whole separatist cause in a militant battle against the apostasy of the hour. The group that will meet in Columbus has withdrawn from this battle in its larger focus, and there are hundreds in the church who still believe that the ACCC and the ICCC represent a movement to which we belong and which in itself will be a blessing to our Church and to its vision for missions.

The withdrawal from the ICCC and ACCC definitely gave expression to the feeling that the stand should be softened and that the program which has been pursued in the years past was too militant. "Separation" as practiced had become an offense to some, and some had

even gotten to the place where they did not mention it any longer to their people. The issues of separation are involved in the repudiation of the ACCC and ICCC. [How can they build a movement on a "tighter Church," "super policy" and "anti-McIntire" campaign?]

We believe God has given the battle into the hands of those who will gather in Collingswood with both the zeal and the faith of those who founded this Church.

III.

THE ATTEMPT TO DISCREDIT CARL MCINTIRE. There is little doubt now in people's minds that the drive to change the Church coupled with it a drive to discredit me, since I resisted the attack upon the independent agencies, the struggle for a "tighter church," and the policies of the ACCC and ICCC. This attack was first carried on "underground" for a number of years, and all of this has been documented in the *Christian Beacon* of July 12 and 19, 1956. Dr. J. Oliver Buswell, Jr., concentrated his attack upon me and in his letter of July 26, quotations of which appeared in *Christian Life*, he spoke of us as "irresponsible autocratic fundamentalism" and specifically he called me "this sinister influence." Efforts were made by those following the leadership of Dr. Robert G. Rayburn to have me removed from the Collingswood Church and I have been misquoted, misrepresented, and some stories told about me that have been made out of whole cloth.

On October 9, I received the following letter from the Rev. Emmett Cleveland, of Firth, Neb.: "We have also cut off benevolences to National Missions. We were sending 35 per cent of our benevolences to this board. This 35 per cent is now going to the Independent Board for Presbyterian Home Missions. We felt that we could no longer support National Missions because of the secretary, Mr. Cross. When he was here last November he hurt his own cause and work by his vigorous attack upon you. One of our elders, Mr. Glenn Wismer, went with him out to Kearney, Nebr. Mr. Cross said to a pastor of an independent church out there in the presence of Mr. Wismer, 'We have been out to get him [Dr. McIntire] and we have just about got the job done.'"

I have found that whenever I have sought to defend myself my defense becomes the immediate occasion for greater allegations. I got into the controversy purely on a defensive position, defending the independent agencies, defending the American Council, defending myself from the charge of "deliberate deception" as laid against me by Dr. Rayburn in the Synod of 1954. I did not report the problems in the columns of the

Christian Beacon until the Associated Press had carried the conflict over the world and I was being widely publicized by the World Council of Churches' and National Council of Churches' leaders and National Association of Evangelicals' leaders as having been "repudiated" by my brethren in the Bible Presbyterian Church. A concerted, definite effort was made to drive me out of the Church. The plan announced by Dr. Buswell to dissolve or excise the New Jersey Presbytery and take back in only the churches which were loyal was the final scheme for the actual removing from the Church, in this indirect way, the Collingswood congregation and me. The effort of the Judicial Commission to declare me "in contempt" is another evidence of this pattern. Dr. MacRae gives the answer.

The Synod which meets in Collingswood will be those who believe that the Collingswood Church and its pastor still desire to help build and promote the Bible Presbyterian movement on the basis on which it was originally founded.

IV.

THE FAILURE TO RECOMMEND THE INDEPENDENT BOARD FOR PRESBYTERIAN FOREIGN MISSIONS. One of the most tragic developments in the history of the Church was the action of the 19th General Synod in failing to commend this Board, an independent agency, to the churches, and claiming that the Board did not have "due cause" when it failed to re-elect Dr. Robert G. Rayburn and Dr. Flournoy Shepperson, Sr., to its membership.

The Independent Board had thoroughly documented the reasons why these two men were not re-elected, which had to do with the vital history and position of the Board. Rayburn was on record as saying that Dr. J. Gresham Machen had "turned from Presbyterianism to independency" and that the Independent Board represented "Congregationalism." Dr. Shepperson was on record as saying that the ordination vows of Bible Presbyterian ministers required them to support the decisions of the 19th General Synod. Both of these positions were erroneous and were in direct conflict with the Independent Board's testimony and struggle as it fought against the same ideas as they were incorporated in the Mandate of 1934 of the General Assembly of the Presbyterian Church in the U.S.A. When the Bible Presbyterian Synod, in its 19th session, declared that the Independent Board did not have "due cause," it was turning its back upon some of the basic principles upon which the Board itself was founded. It is Presbyterian. A Presbyterian is free to give his money to it and support it, regardless of what his denomination may

say. And a Presbyterian does not have to support his denomination's program or its decisions unless he feels the Lord desires him to do so. It is this position which is inviolate but which the Bible Presbyterian Church, in its 19th General Synod, failed to recognize as it related to the Independent Board for Presbyterian Foreign Missions.

This Board, more than any other agency, was responsible for the formation of the Bible Presbyterian Church. The arguments which have been used in the Synod for Synod-controlled agencies undercut and destroy the position of this Board. The leader of the "St. Louis group," in the Presbytery of the Great Plains last week in debating the issues, said that from now on "independent agencies will be tolerated in the Church, while Synod-controlled agencies will be preferred." It is this revolutionary change, gathering the agencies under the control of the Synod and placing the independent agencies outside the pale of equality with Synod-controlled agencies, that is at the heart of the revolution which has taken place in the Church.

The Independent Board has become a great mission board and it is doing a magnificent work throughout the world. Its missionaries have helped in the leadership of the International Council of Christian Churches in its various regional organizations, and the Board is committed to the testimony, position, and program of the ICC.

Those who gather in Collingswood for a 20th Synod will come with a determination to give to the Independent Board their endorsement and to commend it to the churches. Leaders of the "Synod" in Columbus plan a Synod-controlled Foreign Board. Thus with everything under the Synod, they have their goal.

V.

HERE ARE FOUR MAJOR ISSUES. There are many other related matters, but this surely is enough to convince the local churches and the people who are a part of these churches that the issues at stake in the present conflict are vital. We cannot build another denomination like the one out of which we came, the Presbyterian Church in the U.S.A., which has Synod-controlled agencies and insists that if you are a loyal Presbyterian you will support its agencies. The increasing tyranny over the local church, the question of the ACCC and ICC, the attack upon Carl McIntire, and finally the withholding of endorsement of the Independent Board for Presbyterian Foreign Missions—all of these are involved in the decision to hold a 20th Synod in Collingswood, N. J. In support of this Synod we invite the prayers of all of

EXPLANATION

Accompanying the call for the Synod to be held in Collingswood, Dr. Carl McIntire sent out a brief explanation. A portion of this follows:

Some word of explanation needs to be given to the call for a 20th Synod. Three presbyteries—New Jersey, California, and Kentucky and Tennessee, have renounced the jurisdiction of the 19th General Synod and its unconstitutional acts and declared themselves, "free and independent."

A situation has developed in the Church which could not go on. It came to a head in an announcement by Dr. J. Oliver Buswell, Jr., before the Judicial Commission on September 14, that the Presbytery of New Jersey should be dissolved and that the loyal churches should be taken back into another presbytery erected by Synod. This maneuver, of course, meant the throwing out of the New Jersey Presbytery, the Collingswood Church, Dr. Carl McIntire, and others. The whole procedure, in our opinion, would be unconstitutional. But the situation which has developed in the Church with men "voting in a block" is such that this plan has been pursued even to the point of the circulating of a petition for a *pro re nata* meeting which has as one of its purposes the dealing with the Presbytery of New Jersey for its refusal to obey the directives of the 19th General Synod.

When matters reached this stage, it was very clear that we should not sit around and wait until a Synod was held and the whole Presbytery of New Jersey was thrown out, the Church split in a public spectacle, with the accompanying publicity throughout the entire world to the harm and shame of the separatist movement and particularly the beloved brethren in the International Council of Christian Churches in other lands. Things have gone far enough; in fact, they have gone too far. It is in our opinion a shame and a disgrace before the living God and to our testimony that the throwing out of the New Jersey Presbytery should even be contemplated!

Resolutions therefore have been adopted by the three presbyteries, similar though somewhat different, renouncing the jurisdiction of the 19th General Synod, and any Synod called by the officers of that Synod.

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the people of the Church, and we invite them to come to Collingswood.

The Bible Presbyterian Church must continue true and militant. This is the Synod to which we all belong!

EXPLANATION

(Continued from page 3)

The Rev. J. U. Selwyn Toms, moderator of the first Synod, has maintained from the beginning that the 19th General Synod was *illegal*. His position was well taken.

When Dr. Carl McIntire made the motion in the 18th General Synod at St. Louis in 1955 that Dr. Buswell set the time and place of the next Synod, since there were "unforeseen circumstances" concerning the time and place, such a motion was entirely out of order because the Standing Rules had provided for such circumstances, and before any such motion could be passed by our Synod, it would be necessary for the Standing Rules to be amended or changed. This was not done. Dr. Buswell acted only on his own in calling the 19th General Synod and not under the Standing Rules to which he and the Synod are committed. The Committee on Arrangements, according to Standing Rules, shall "consist of the pastor of the host church, the moderator of the previous Synod, and the clerk who shall serve as chairman." And they say, "In case of some unforeseen circumstances, the Synod cannot meet at the time or place appointed, this Committee shall have power to appoint such other time or place, or both, which it believes in its judgment will meet with the approval of the General Synod." This, of course, was not done.

The situation in the Presbytery of New Jersey continued to deteriorate. On May 12, at its stated meeting, the Presbytery was forced to adjourn. It could not conduct business because of the conduct of Dr. Buswell, who insisted that he was a member of the Presbytery, proceeded to speak, make motions and interrupt, contrary to the actions of the Presbytery and a "stay" secured by the minority with Dr. Buswell. The Presbytery was forced to adjourn. Our church in Trenton, where Dr. Elmer Smick was pastor, has proceeded, in violation of our presbyterial rules. Dr. Smick never came to the Presbytery to resign. He never resigned to his congregation, or had a congregational meeting to accept his resignation and petition Presbytery. He resigned to his session, announced his resignation, and left. John Buswell was called at a congregational meeting presided over by Kenneth Horner, not a member of our Presbytery, in violation of the rules of the Presbytery of New Jersey. Mr. Buswell has been installed in the manse and is preaching as pastor, and the matter has not yet been brought before Presbytery. At Star Cross, Harold Hight was called in a meeting where the duly appointed mod-

erator, under Presbytery, was not even called or notified, and another brother, John Kay, sympathetic to Dr. Buswell, took charge. The church in East Orange, where Daniel Fannon has been preaching has refused to recognize the moderator appointed by the moderator of Presbytery and instead has accepted one appointed by Dr. Buswell's group. All of this is in violation of the regulations of the Presbytery and of the constitution as they relate to the Presbytery.

The story in this Presbytery is one of an unending effort of a minority group to coerce the majority without regard for "mutual love and confidence," or the operations of the Spirit of God. A small group in the Collingswood Church, disaffected under the influence of Tom Cross, Francis Schaeffer, and Robert Rayburn, and making serious charges against its pastor and elders, left the church, demanding that the church give them letters to form a new church. Dr. J. Oliver Buswell, Jr., of Philadelphia Presbytery, came into our Presbytery's bounds and became their pastor, and he was the spokesman against the Presbytery and the Collingswood Church. At the very next meeting of the Presbytery demand was made that the church be received and that the Collingswood Church be ordered to give letters; and the Presbytery, desiring that confidence and mutual love be first restored, laid the matter on the table to give time and to wait on the Lord! It did not refuse to admit them, and it was specifically said that under the guidance of the Holy Spirit confidence and love could be restored and the church could be admitted to co-operate in peace with all the others! But, immediately a complaint was taken to the 19th General Synod. The Presbytery had declined to recognize the Synod as a proper one. The minority called a *pro re nata* meeting in violation of specific provisions of the constitution and without even two elders and two ministers signing the petition for the meeting, as the stated clerk erroneously said they had! The Synod heard the "complaint" and did not hear the side of the Presbytery or the Collingswood Church. It proceeded to order the minority to meet immediately. No notice of this order was given to the Presbytery at all. The minority met, took the questions off the table, passed them, and "obeyed" directives that were given to the Presbytery. Only the minority was present.

When the Presbytery met later, the majority ruled the *pro re nata* meeting in violation of the constitution and refused to recognize the *pro re nata* meeting of the Presbytery. The minority took a complaint and secured a "stay," and this held up everything. The Presbytery itself has never acted one way or another on the orders of the Synod directed to it.

But the minority, with the majority who were at the Synod, have insisted that what they have decreed must be obeyed and that to refuse to do so is to be in contempt. Thus the minority working with the Synod group has driven on! The "power of our Lord" is used to force men and a Presbytery who have never presented their side, and which by resolution desired to do so at a Synod all would attend! We do not think that this was of Christ, nor is as He would use it against us! But now we are to be "dissolved." The order of Synod is final, and we are in contempt! God forbid, our brethren!

There has been, so far as we have been able to see, no exercise of love or brotherly exhortation, but we hear threatenings and warnings, "judicial actions," and demands that Synod has to be obeyed! There seems to be no justice! Have men forgotten that conscience and God enter into this picture with His free servants? But even the Synod, in hearing administrative cases, in any decisions or judgment which it makes must be limited by the restraints which the constitution puts upon the Synod itself.

And now the group led by Dr. Buswell is set on dissolving the New Jersey Presbytery, splitting the Church, and throwing us out! The responsibility for dividing the Church rests upon these men who have tried to use force when the constitution says that the Church is not to be held together by the exercise of any kind of force or coercion whatsoever. A new type and a new concept of the Church has developed in the exercise of these decrees. The power of the Church is used to force churches and men out. The fair-minded, humble people of the Church will understand. What has been done to Collingswood, a church which has been so strong for the movement, will be done to other churches in years ahead. We are sad to see it. It is a tragedy indeed.

PSALM 57.

BE merciful unto me, O God, be merciful unto me: for my soul trusteth in thee: yea, in the shadow of thy wings will I make my refuge, ^until these calamities be overpast.

2 I will cry unto God most high; unto God ^uthat performeth all things for me.

3 He ^ushall send from heaven, and save me from the reproach of him that would swallow me up. Sē'lah. God ^ushall send ^uforth his mercy and his truth.

Resolution of New Jersey Presbytery

The Presbytery of New Jersey, meeting in special session, October 22, 1956, considering all the complaints against it and the judgments of the Judicial Commission, declares as follows:

(1) The document called a complaint, dated January 18, 1956, was in fact under the constitution only a notice of complaint, and, though the 19th General Synod recognized this, it did so in violation of the constitution of the Church.

(2) The 19th General Synod itself was called only by Dr. J. Oliver Buswell, Jr., and in violation of the Standing Rules of the Synod under Section 8.

(3) The 19th General Synod had no constitutional authority to order the Presbytery of New Jersey or any presbytery to meet.

(4) The 19th General Synod acted illegally when it ruled that the *pro re nata* meeting of the Presbytery called by the stated clerk was in accordance with the constitution, when, though the stated clerk said that the call had been signed by two ministers and two elders, the call had only been signed by one minister and one elder, and it was never submitted to the moderator as required by the constitution.

(5) The 19th General Synod has no constitutional authority to compel a local church through its presbytery to add to or to take members from the roll of the church as was directed of the Collingswood Church.

(6) The 19th General Synod had no authority under the constitution to order the Presbytery of New Jersey to divide the Collingswood Church in case it refused to divide itself in violation of the express provision of the constitution forbidding a presbytery to do such without the consent of the local church.

(7) The 19th General Synod acted illegally when it presumed in the exercise of administrative discipline to rule that a ruling of the moderator which he announced that he would make before the presbytery was null and void.

(8) The 19th General Synod pretended to make laws by virtue of its authority when it appointed a special committee with power to initiate administrative or judicial cases against any individual or lower court of the Church.

(9) The Judicial Commission in its judgment presumed to tell this Presbytery and other presbyteries that they do not have liberty under the constitution to unite in fellowship with the independent agency, the Bible Presbyterian Church Association.

(10) The Judicial Commission usurped power and acted in violation of the constitution when it asserted that a decision in an administrative case of the

Synod must be obeyed, just as a decision of the Supreme Court of the United States.

This Presbytery declined to recognize the 19th General Synod as a properly called body and refused to attend the Synod and now declares that the 19th General Synod was called in violation of the Standing Rules of the Church and that it took certain illegal and unconstitutional actions which are designed to give to a Synod greater power over the churches and to take from the churches and presbyteries constitutionally guaranteed freedom. This Presbytery further recognizes that at the present time there is being circulated a petition which calls for a dealing with the Presbytery of New Jersey on the ground that it has not obeyed the 19th General Synod in its action on a complaint against the Presbytery. This Presbytery further takes notice that Dr. J. Oliver Buswell, Jr., the petitioner against the Presbytery and chairman of the prosecution, has called for the dissolution or excising of this Presbytery from the denomination, which action is now anticipated.

Therefore, be it resolved that this Presbytery, which was in existence free and independent before the First General Synod was held, does here and now repudiate the 19th General Synod and declares itself free and independent of the 19th General Synod or any synod called by the recognized officers of that illegal Synod. This Presbytery, therefore, continues as the Presbytery of New Jersey of the Bible Presbyterian Church. This Presbytery declares that it maintains the constitution, the liberties, and the testimony of the Bible Presbyterian Church as it was originally established and will repudiate all usurpation of power and the changing of our constitution by judicial interpretation.

FINALLY, this Presbytery declares its willingness to co-operate with any other presbyteries which in similar actions will participate in a Twentieth Synod, and we hereby authorize such participation by our Presbytery and will recognize such a Synod as the proper Synod to maintain the work of the Bible Presbyterian Church.

Now the God of patience and consolation grant you to be likeminded one toward another according to Christ Je'sus:

That ye may with one mind and one mouth glorify God, even the Father of our Lord Je'sus Christ.

A SYNOD

Just what is the situation as it concerns the Call for a 20th Synod in Collingswood, N. J.?

I.

There is much misunderstanding about what is called "The Synod." Under the constitution of the Bible Presbyterian Church a Synod meets and when it adjourns it is "dissolved" and that is the end of that Synod. The Synod is not something that continues, or that men belong to throughout a year. Historically, a moderator is a moderator only of a certain Synod. He is not "the moderator of the Bible Presbyterian Church." The New Jersey, California, and Kentucky and Tennessee Presbyteries have not left the denomination. They are still the New Jersey Presbytery, and California Presbytery, and the Kentucky and Tennessee Presbytery of the Bible Presbyterian Church. What they have done is to repudiate and renounce the 19th General Synod. They have declared that that Synod was illegal and also that the Synod itself took very serious and radical unconstitutional actions which they refuse to recognize or submit to.

These three presbyteries have therefore taken action, under the constitution, to call a Synod which will restore the Synod to the constitution and again provide a legal order for calling another Synod.

The three presbyteries have not renounced the jurisdiction of the denomination or of the constitution, and they have not left the denomination. If anybody has left the denomination, it is those who have taken the Synod away from the constitution and used the Synod to enforce their will on others.

To begin with, the 19th General Synod was illegally called by Dr. J. Oliver Buswell, Jr., who was the moderator of the 18th General Synod.

The Standing Rules of the Synod, which are the law set up by the Synod for its own conduct, provide specifically in Section 8 that if there are any unforeseen circumstances concerning the time or place of the meeting of a Synod, the moderator of the previous Synod, the clerk who shall serve as chairman, the pastor of the host church "shall have power to appoint such other time or place, or both, which it believes in its judgment will meet the approval of the General Synod." When the unforeseen circumstances were recognized as in existence concerning both the time and the place of the next Synod, the Standing Rule came into effect, and before any other provision or method could be followed in the calling of a General Synod, this Standing Rule would have had to have been repealed. As it was, Dr. Bus-

well, and Dr. Buswell alone, called the 19th General Synod. Under the Standing Rule the stated clerk, as the chairman, together with the moderator and the pastor of the host church, had that responsibility.

It cannot be denied that this provision of the Standing Rules was not followed and any motion made on the floor of Synod authorizing Dr. Buswell to do it alone could have no validity until the Standing Rule itself was repealed, or any action of Synod which is in conflict with the Standing Rules is null and void. The entire 19th General Synod was illegally called. Men may charge that this is a technicality, as they usually do when they find themselves in a position of actually violating the law of the Church. But the Standing Rules were not established to be violated. They were set before the Synod to be honored as a part of doing things in obedience to the Scriptural admonition—"decently and in order."

The illegal actions of this meeting included the unconstitutional orders to the Presbytery of New Jersey and the Collingswood Church, and the acts which are listed in the Resolution of the New Jersey Presbytery in repudiating the 19th General Synod.

So basic and revolutionary were these departures that three presbyteries have acted to preserve and continue the Bible Presbyterian Church.

In such circumstances the moderator elected by the 19th Synod and the stated clerk serving that Synod are not in a position to issue a call. And, in the next order of descending authority in the Church, it falls to the moderators of the presbyteries which are maintaining the testimony of the denomination of freedom from Synod tyranny.

II.

When the constitution of the Bible Presbyterian Church was drafted, Chapter X, Paragraph 5, was introduced. It reads as follows:

"5. Although the deliverances, resolutions, overtures, and other actions of the General Synod are to be accorded the weight which is proper in view of the character of the body, yet whenever such deliverances, resolutions, overtures, and other actions are additional to the specific provisions of the Constitution, they shall not be regarded as binding unless they become amendments to the Constitution."

Twice in that paragraph "other actions" are mentioned. There is no limit to this. This includes "actions" of the Synod as it relates to administrative cases. Such actions were not binding or to be binding. The whole concept of the Church, held together by the Holy

Spirit and built upon mutual love and confidence, was at the heart of this restriction.

The attempt, therefore, to force the Collingswood Church and the Presbytery of New Jersey both to add names and to take names off the roll of the Collingswood congregation clearly falls under this provision. And when the Collingswood Church and the Presbytery of New Jersey felt that the Synod had exceeded its constitutional powers, it was free, if it felt justified, to decline compliance.

It was in this regard that the Judicial Commission insisted, "To fail to comply with the decision of the Synod in administrative cases regularly appealed to it is as impossible in the Presbyterian system as for an American citizen to reject or ignore a ruling of the Supreme Court. We call upon the New Jersey Presbytery and the Collingswood Church to render the above compliance or to stand in danger of being found in contempt of Synod."

Dr. Carl McIntire vigorously protested to the Rev. Kenneth Horner, chairman of the Judicial Commission, concerning this decision as being in violation of the constitution. Mr. Horner replied: "I am sure that no one on the Judicial Commission would contend that so far as ordinary actions of Synod are concerned, it is as impossible to ignore or reject them in the Presbyterian system as for an American citizen to reject or ignore a ruling of the Supreme Court. . . . What we did mean to say, however, is that when decisions are given by the Synod in administrative cases regularly appealed to it, it is impossible for these decisions to be rejected or ignored by the members of the Synod. I am sure that you can see the distinction here."

But, what Mr. Horner and the Judicial Commission have ignored is that the constitution does not say "ordinary actions." It says "other actions." It is Mr. Horner and the Judicial Commission and those with him in the denomination that now try to make a distinction which the constitution does not make.

So Mr. Horner concluded: "When final decisions were rendered which affected that Presbytery and that Church, there was nothing left for the Church and the Presbytery to do but accede to the final decisions. This may sound like an 'outrage' and like 'popery' to you, but it is only pure logic as it applies to a Presbyterian system of Church Government with its gradation of courts including final decisions made by the highest court of appeal."

This, of course, is the Presbyterian Church in the U.S.A. system, which we believed and thought we were repudiating and breaking away from when we set up the Bible Presbyterian fellowship. You just cannot get away from these words "other actions," and when the

Judicial Commission or the General Synod make a decision in administrative cases regularly brought before it, its decision must be limited by the power and the restraints on that power which the constitution places upon the General Synod! The men who have given the Majority Opinion in the administrative case have run away with the constitution. They are talking of a "Presbyterian system of church government" which is not the Bible Presbyterian system of church government which guarantees liberty and protection to the local congregation!

The men who meet in the "Columbus Synod," led by the majority of the Judicial Commission, are building for themselves a system to enslave them, and which some day will turn even against some of them to their own sorrow.

There has been a departure in the Church both from the spirit and the letter of the constitution. The section dealing with mutual love and confidence is found in the chapter dealing with "Particular Churches." Speaking of their coming into the denomination, it says of their entrance into "the fellowship of this branch of Christ's body," "Entrance into this fellowship is by means of the presbytery." Paragraph 2 reads in full: "Particular churches need remain in association with the Bible Presbyterian Church only so long as they themselves desire. The relationship is voluntary, based only upon mutual love and confidence, and is in no sense to be maintained by the exercise of any kind of force or coercion whatsoever. A particular church may withdraw at any time for reasons which seem sufficient to itself." No kind of force or coercion of any kind is to be used. Could it be made plainer?

Men are supposed to sit down and discuss their problems face to face, with love, sympathy, understanding. This has gone. It began to depart with the operations of a smoothly running "underground," and then the development of an ecclesiastical machine centering in the National Missions office and being led by Tom Cross. When men start working against other men and seeking to put pressures upon them through the power of the Church, difficulties are certain to arise.

The Synod which gathers in Collingswood will come in a spirit of "mutual love and confidence." The tension, the backbiting, which has been characteristic of the attacks made on the independent agencies, and particularly upon Dr. McIntire, will certainly not be there.

Many of our lay people do not understand fully the significance of some of these arguments as they relate to the constitution, but they can understand mutual love and confi-

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Judicial Commission's Majority Opinion

On Bible Presbyterian Church Association

JUDGMENT OF THE JUDICIAL COMMISSION OF THE BIBLE PRESBYTERIAN SYNOD, meeting in Columbus, Ohio, September 13-14, 1956, at the Bible Presbyterian Church in answer to the following complaint:

"The undersigned hereby complain to the Synod of the action of the Presbytery of the Great Lakes in so interpreting the Constitution: Form of Government, chapter 10, section 4, as to preclude the right of individual churches to associate together for the purpose of representation in the American and International Councils of Christian Churches."

Signed: Robert B. Vandermeij, Harry E. Sutton, and A. Franklin Faucette.

THE JUDGMENT OF THE COMMISSION IS AS FOLLOWS:

We find the complaint errs in assuming that the Presbytery forbade membership in the Bible Presbyterian Church Association. We hold that the Presbytery's claim that the Bible Presbyterian Church Association is unconstitutional, is not entirely clear, although much argument can be given in this direction. We hold that to the Synod alone clearly belongs the power of corresponding with other denominations according to our Constitution Form of Government, chapter 10, paragraph 4. If the Bible Presbyterian Church Association occupied such a place it would be unconstitutional. The case is not entirely clear however with regard to the type of correspondence which is carried on among the constituent bodies of The American Council of Christian Churches and The International Council of Christian Churches.

Since the Bible Presbyterian Church Association does in its purpose violate the spirit of the Constitution, we regard it unwise and disruptive and we agree with the Presbytery, that our churches should be counselled against joining it. With regard to the privilege of joining the Bible Presbyterian Church Association, we believe the right to join the group should be extended or withheld by the next Synod, which should act on the Presbytery's overture and should determine, according to the Form of Government, chapter 10, paragraph 4, in conjunction with chapter 1, paragraph 9, under what terms corresponding with other denominations should be carried on.

Membership of Presbyteries in the Bible Presbyterian Church Association is a special

aggravation because of the peculiar unity of presbyterianism in which the Synod is the bond of union, peace, correspondence and mutual confidence. It is, therefore, our judgment that in the present situation, membership of Presbyteries in the Bible Presbyterian Church Association is not only unwise but unconstitutional.

Our Constitution, which is one of delegated powers, specifically grants the power of correspondence to the Synod and gives no such grant to Presbyteries or sessions who therefore have no authority to take action to join the Bible Presbyterian Church Association.

We find no evidence given of intimidation on the part of the Presbytery. We caution against future failure to include notices of complaint in the minutes.

Judicial Commission's Minority Opinion

On Bible Presbyterian Association

JUDGMENT OF THE JUDICIAL COMMISSION OF THE BIBLE PRESBYTERIAN SYNOD, meeting in Columbus, Ohio, September 13-14, 1956, at the Bible Presbyterian Church in answer to the following complaint against the action of the Presbytery of the Great Lakes in the matter of the Bible Presbyterian Church Association."

The judgment of the undersigned members of the Commission is as follows:

"We find that the complaint should be upheld, since it protests against an action tending to interfere with the right of every individual Bible Presbyterian Church (or Presbytery) to witness to the cause of Christ and to oppose apostasy by every effective means."

The defenders of the Presbytery maintained that membership in the Bible Presbyterian Church Association is *per se* unconstitutional. This is a novel position which has never in the past been taken by any Bible Presbyterian body in relation to extra-Synod associations.

The only constitutional basis which is alleged as support for such a position is the statement in the Form of Government, Chapter 10, Paragraph 4, that the General Synod has "the power . . . of corresponding with other churches, on such terms as may be agreed upon by the Synod and the corresponding body."

As a matter of fact, however, when the General Synod of the Bible Presbyterian Church entered the American Council and the International Council of Christian Churches in the first place, it was not done under the constitutional prerogative of "corresponding with other churches." Though there is fellowship and association in the Councils with other churches, it is the Councils which the Synod joined and it is the Councils to which the Synod each year appointed its committee of delegates to help direct.

The Majority Opinion itself recognizes

WHICH SYNOD?

Every minister and church in the Bible Presbyterian denomination is confronted with a decision. The issues have been brought to a head. A Synod has been called to meet in Collingswood, N. J., November 23-27. Also a Synod has been called to meet in Columbus, Ohio, November 27-29.

Which of these two Synods will ministers and churches recognize? Sessions must decide to which Synod they will send their elder representatives. Each congregation has the right and should be given the right to vote which Synod it will be in fellowship with.

The Collingswood Synod will continue the testimony of the Bible Presbyterian Church under its constitution.

the fact that the relationship between membership in these Councils and the constitutional prerogative of corresponding with other churches is highly questionable. Actually, the Synod entered the Councils not on the basis of corresponding with other churches, but under Paragraph 6, which grants Synod the power to set up committees to act as its agents in conducting benevolent, missionary, and educational enterprises. Since their inception the two Councils, or agencies, have been "Christian enterprises" as the constitution describes them, with which our denomination has been associated.

NOT "EXCLUSIVE"

Moreover, even if the Synod had entered the Councils under the aforementioned provision of the constitution, it would be an unwarranted addition to the constitution for the word "exclusive" to be inserted before the word "power" in the statement "to the General Synod also belongs the power . . . of corresponding with other churches, on such terms as may be agreed upon by the Synod and the corresponding body." Of all the powers mentioned in Paragraph 4, the only one which can be proven to belong exclusively to Synod is the power "of erecting new Presbyteries when such action may be judged necessary." All other powers mentioned in this paragraph are powers which are exercised, not only by the Synod, but also by every lower body in the Church. Whenever there is need of so doing, it becomes the duty of each individual church session or presbytery, each within its own proper sphere, to exercise "the power of deciding in controversies," within their several jurisdictions, "respecting doctrine and discipline; of reproving, warning, or bearing testimony against error in doctrine, or immorality in practice"; and "of recommending and aiding promotions of charity, truth, and holiness."

The only way in which the Synod differs from the other bodies in these regards is

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A SYNOD

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dence, and they can understand the International Council of Christian Churches, and the American Council of Christian Churches, and the Independent Board for Presbyterian Foreign Missions with its great missionary program. They can understand the desire of a group of brethren to continue the Church according to its original position and foundation. This, by God's grace, shall be done!

Minority Opinion on BPCA

(Continued from page 7)

that it exercises these powers over a somewhat larger area than they do. The Synod is able, to some extent, to speak for the Church as a whole. Presbytery can speak for the area covered by the presbytery, and the church session for its own area. Each of them, within its area, has not only the right but the duty of exercising the powers mentioned in this paragraph of the Form of Government.

It would be an utter *non-sequitur* to assume that the statement that the General Synod may correspond with other churches rules out any correspondence with other churches on the part of sessions or of presbyteries. Furthermore, such an assumption would be contrary to all Bible Presbyterian practice, since church sessions regularly exercise the power of corresponding with other churches, as, for instance, in giving members letters of dismissal to other churches, and in receiving such letters from other churches.

FALSE ASSUMPTION

In addition, it is necessary to point out a false assumption. The Bible Presbyterian Church Association is not a church body with which the Synod could correspond, nor is it a denomination. In fact, the Association has no place in it for the Synod, because it is composed only of individuals, local churches, and presbyteries.

Our Form of Government, Chapter 9, Paragraph 4, gives presbytery the power, in its discretion, to unite with such an association as this, for presbytery has power "in general, to order whatever pertains to the spiritual welfare of the churches under its care, always respecting the liberties guaranteed to individual congregations and persons under the constitution." Likewise, Chapter 8, Paragraph 6, authorizes each church session "to concert the best measures for promoting the spiritual interests of the congregation."

The Bible Presbyterian Church Association is an independent agency formed for the purpose of maintaining constituent membership in the American and International Councils of Christian Churches, both of which provide for such associations in addition to regular denominations.

The ACCC and ICCS are not themselves denominations; rather, they call themselves "agencies." They are "Christian enterprises" in which local churches, individuals, and denominations all co-operate to accomplish certain specific ends, such as preserving liberty and defending the Faith.

NOT FORBIDDEN

The Opinion of the majority asserts that "the Bible Presbyterian Church Association does in its purpose violate the spirit of the constitution"; but the Opinion does not indicate what the purpose of the Association actually is, though that purpose was expressly explained to the Judicial Commission in the very words of the Statement of Association, as follows:

"The purpose of this Association shall be to maintain constituent membership in both the American Council and the International Council of Christian Churches."

There is not one thing in the constitution, either in letter or in spirit, which forbids membership in the American Council or in the International Council of Christian Churches.

On the contrary, Chapter II, Paragraph IV, of the Form of Government, dealing with the Church, very specifically states that:

"The Bible Presbyterian Church declares itself to be a branch of the catholic visible Church of Christ and further declares its willingness to hold Christian fellowship with all other such branches of the Church."

Paragraph III states:

"This catholic visible Church has, in God's providence, become divided into bodies commonly termed denominations or churches. Such bodies, whether local, national, or international, which in their creed and practice hold fast to the historic Christian faith . . . are true Churches of Christ . . ."

Indeed, it is within both the spirit and the letter of our constitution that our churches fellowship with other churches; and both the International Council and the American Council of Christian Churches are agencies manifesting such fellowship.

UNCONSTITUTIONAL

The Majority Opinion would gather to Synod power which it does not have; it presumes to give to it the right of extending certain privileges to the churches:

"With regard to the privilege of joining the Bible Presbyterian Church Association, we believe the right to join the group should be extended or withheld by the next Synod."

Synod possesses only certain specified delegated powers, and may never on its own authority extend powers to presbyteries or churches. This is so because it is the *constitution* and the *people* who have extended to the Synod the only rights that Synod has. The constitution says:

"All powers not in this constitution specifically granted to the courts of the Church are reserved to the congregations respectively, or to the people."

Synod, therefore, cannot on its own authority extend power to anyone.

The attempt to gather to the General Synod rights and powers which it does not possess, even to do so under the claim of "the peculiar unity of Presbyterianism in which the Synod is the bond of union, peace, etc.," would do violence to all the restrictions placed upon Synod by the constitution of our Church.

CONCLUSION

If a Presbytery, a session, or an individual church member, were to join an association intended for the purpose of carrying on a witness which is contrary to sound Christian doctrine, this would then be proper cause for censure on the part of the Synod, presbytery, or session, as the case might be. So long, however, as there is no suspicion of false doctrine in connection with the specific

BUSWELL ISSUES STATEMENT

Dr. J. Oliver Buswell, Jr., in a mimeographed statement now being circulated, explains what he was doing in "going through papers and files" while at Faith Theological Seminary. Buswell writes:

"It is alleged that Dr. Buswell was frequently seen at Faith Seminary between January and May, 1956, and that he was seen 'going through papers and files' and 'seeking to induce the professors to leave the institution. . . . It is true that I frequently visited Faith Seminary during those months. With a large correspondence such as I have always had, I found myself in January without secretarial help. The wife of one of the students at the Seminary, a very competent secretary, was glad to do my work, and I was very happy to pay her for her time. I left my dictaphone cylinders at the Seminary (Faith); the student took them home to his wife to be transcribed. He then brought my letters back to the Seminary. I picked them up and left more cylinders. I suppose I visited the Seminary on an average of three times a week for this purpose. Frequently I sat down at a table in the men's room, signed my letters, put the file copies in a large envelope to take home, and mailed the letters on the way home. These are the only 'files and papers' which I ever 'was seen going over.' The statement that I was 'seen around the Seminary many, many times over a period of weeks . . . is a fair sample, I believe, of the distortions to which many of us have been subjected."

agency which is joined by the individual, session, or presbytery, the Form of Government gives no higher body the right to declare such membership unconstitutional or wrong in any way.

ALLAN A. MACRAE

Member of Judicial Commission

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Judicial Commission's Majority Opinion

On New Jersey Presbytery

JUDGMENT OF THE JUDICIAL COMMISSION OF THE BIBLE PRESBYTERIAN SYNOD, meeting at Columbus, Ohio, September 13-14, 1956, in regard to a complaint against actions of the Presbytery of New Jersey in its meeting of May 12, 1956.

The judgment of the Judicial Commission is as follows:

In regard to the complaint against the Presbytery's upholding the ruling of the Moderator that the meeting of the Presbytery held at the 19th General Synod was not a legal meeting, the Judicial Commission sustains the complaint. It is the judgment of the Commission that the meeting of the New Jersey Presbytery at the 19th General Synod was a legal meeting on the following grounds:

1. The meeting was legally called by the Stated Clerk as demonstrated by the following facts:

a. The meeting was regularly requested by two ministers and two elders of the Presbytery;

b. The original call was submitted to the Moderator;

c. For two months the Moderator did not respond;

d. The call, as sent out by the Stated Clerk later, was clearly a supplemented form of the original call;

e. The Clerk has reason to believe that the Moderator was opposed to a meeting of Presbytery at Synod and would not call it as indicated by discussions in the January meeting and the aforementioned two months delay. A letter from the Moderator received just after the call was sent out showed that the Clerk had rightly interpreted the Moderator's viewpoint by his absolute refusal, expressed in his letter, to call this meeting. Although Presbytery on January 24 took action to adjourn to the next stated meeting, this does not supersede the rights of minority to have a *pro re nata* meeting, as is commonly known.

2. In the course of the hearing of the administrative case regarding the New Jersey Presbytery at the 19th General Synod of the Church, the Presbytery was ordered to meet by the Synod. Evidence was presented to Synod relative to the validity of the call of the proposed *pro re nata* meeting of the New Jersey Presbytery and the instructions of the Synod that the Presbytery meet for actions specified, represent a validation of the legality of the meeting.

Also in answer to complaint No. 1 of the New Jersey Presbytery, the Judicial Commission states, inasmuch as the Moderator is a servant of the body with delegated authority, and inasmuch as his duties and responsibilities to carry out the will of the body and to insure adherence to the rules of the church are clear in our Constitution, we can only protest the theory expressed in writing by the Moderator of the New Jersey Presbytery in his letter of March 15

to the Stated Clerk, in which the Moderator alleged that he enjoys power of the decision as to the propriety of calling a *pro re nata* meeting. On two occasions of the current year, proper request for a *pro re nata* meeting of Presbytery was refused and this disregard of the minority rights we believe to be a prime cause of the serious dissensions now extant in the New Jersey Presbytery.

Finally, in deciding that the meeting of the New Jersey Presbytery at the 19th General Synod was constitutional, the Commission insists that the actions taken at that meeting are valid and therefore that Dr. J. Oliver Buswell is a member of the New Jersey Presbytery and that the Covenant Bible Presbyterian Church of Haddonfield has been regularly received. It should be noted that the Presbytery's contrary position leaves the decisions of the last Synod on the administrative cases before it not complied with. It does not appear that the majority of the Presbytery in the five months since Synod has taken any action to comply with these decisions but rather by objecting to the validity of the Presbytery meeting, has circumvented them.

Further, the other administrative decisions of the Synod do not appear to have been complied with. The Synod took action to direct the New Jersey Presbytery to direct the Collingswood Church to restore names of certain members to its roll and issue letters of transfer to persons requesting them, and in the event of refusal the Presbytery should do so. The action has been officially communicated to the Collingswood Church and there appears no compliance has been given by church or Presbytery. The Commission insists the General Synod, as last court of appeal, possesses "power of deciding" in all controversies respecting doctrine and discipline (Form of Government, 10.4). We recognize that deliverances of Synod are not binding unless they become amendments to the Constitution (Form of Government, 10.5). But to fail to comply with the decisions of the Synod and administrative cases regularly appealed to it, is as impossible in the Presbyterian system as for an American citizen to reject or ignore a ruling of the Supreme Court. We call upon the New Jersey Presbytery and the Collingswood Church to render the above compliance or to stand the danger of being found in contempt of Synod.

With regard to the second complaint against the actions of the New Jersey Presbytery in its meeting of May 12, 1956, we allow the point to be somewhat theoretical because the ruling on the stay was allegedly withdrawn during a Presbytery meeting and after the Presbytery meeting is of less immediate consequence as it concerns the voting powers of certain members.

However, the nature of a stay can only be interpreted as holding up the force of the particular action complained against. Whether the action is positive or negative can be of no consequence and the Modera-

tor's ruling relative to negative actions is therefore improper.

The ruling against a stay in the Presbytery meeting was objectionable because though it was allegedly withdrawn in the morning when apparent that the necessary one-third signatures were not yet secured, yet when the one-third signatures were secured during the lunch hour, no opportunity was given for the stay to become effective, though strenuous efforts were made to notify the house of the signatures secured. The result was effective thwarting of the rights of the minority.

The Commission greatly regrets the action of Dr. McIntire, the counsel for the New Jersey Presbytery, in removing himself from the presence of the court in the midst of proceedings and during another's address. The New Jersey counsel had argued that the complainants might present their case but that the Presbytery would not reply because the complaint did not contain specifications sufficient to allow reply to be prepared without further study. The court finds that the complaint appealed, among other things, to the action of the last Synod which could be learned from the Stated Clerk upon request. The Presbytery had ample notice of the Commission's meeting. Indeed in June, the September date was set by correspondence with Dr. McIntire. He had erroneously appointed counsel, including himself, without Presbytery action and had continued in the procedure despite the fact that he was duly requested to call a *pro re nata* meeting of Presbytery to appoint counsel, which request he refused. When the error was brought to his attention in early September and his right to represent Presbytery was being officially challenged by the Stated Clerk, he had already had three months available for preparation. Having come to the meeting in an unofficial capacity, he was appointed counsel for Presbytery by the Commission, and he accepted the position. The Commission finds no excuse for the Presbytery's counsel to plead more time.

The counsel informed the court prior to the noon recess that it was his opinion that the second complaint should be ruled out by the court and that unless this was done he could not continue. The Commission, after study, announced following the noon recess, that the second complaint, although comparatively inconsequential was in order and should be considered. He carried out his intention.

Under these circumstances, the Commission fails to understand how the counsel for the Presbytery could remove himself in the early afternoon in a critical part of the proceedings to the detriment of the work of the group assembled from many places, and against the wishes of the court. The Commission feels it amounts to contempt of court.

It is not when afflictions are heavy and fresh that we derive much benefit from them. We are stunned at the time. We feel little else than the blow. It is afterward that they yield the peaceable fruits of righteousness.

Judicial Commission's Minority Opinion

On New Jersey Presbytery

JUDGMENT OF THE JUDICIAL COMMISSION OF THE BIBLE PRESBYTERIAN SYNOD, meeting in Columbus, Ohio, September 13-14, 1956, at the Bible Presbyterian Church in answer to the complaints against the action of the Presbytery of New Jersey taken in its meeting of May 12, 1956.

The judgment of the undersigned members of the Commission is as follows:

"WE FIND THAT THESE COMPLAINTS SHOULD NOT BE SUSTAINED."

In presenting this Judgment, we, the undersigned, find it necessary to protest against the action of certain members of the Commission in issuing a mimeographed statement headed simply, "Judgment of the Judicial Commission," instead of calling it, "Majority Opinion," or some other such title.

The mimeographed statement is not the unanimous judgment of the Commission. The present writer, Allan A. MacRae, early in the proceedings on each of the complaints expressed his difference of opinion from the views expressed by some of the other members of the Commission. He also declared his intention of submitting an opinion himself. Whether that opinion would be a majority or minority opinion would, of course, depend on the outcome of the vote of the various members.

In the course of the final evening of the meeting in Columbus, the writer found that a train would leave in about an hour and a half, while the next train which he could take would not leave until 3.30 in the morning. Under these circumstances he asked the other members of the Commission whether it was their intention to keep on working so that it would be desirable for him to wait and take the train at 3.30 a.m., or whether they would advise that he take the earlier train. He was told that the other members of the Commission were tired and did not expect to work more than another hour, so that the various aspects of the decision would probably have to be settled by correspondence.

It was thus his expectation that someone else would write an opinion, and that, in case he disagreed with it, he also would write one, and that these two opinions would then be circulated among the members of the Commission, so that each member of the Commission could vote for whichever of the two (or more) suggested opinions he might desire to support.

Under these circumstances, it was a great surprise to receive in the mail a mimeographed statement headed, "Judgment of the Judicial Commission." The writer wishes to protest against this procedure.

In regard to the complaints against the Presbytery of New Jersey, the present Judgment would like to call attention to certain principles which are clearly stated in our constitution

I.

It is a clear principle of our constitution that the government of the Bible Presby-

terian Church is to be a "government of laws, rather than of men." No Synod has any power to add laws to our constitution, or to make determinations in addition to it. Only the statements of the constitution itself have power to bind the churches or presbyteries.

II.

It is vital to recognize that our denomination is a church with a written constitution. Evidence from the practice of other Presbyterian bodies may be of value as a help toward interpreting the words of our constitution, but only the actual words of our constitution have any real authority within our churches.

III.

Before proceeding to hear any complaints, a higher court is under the responsibility to ascertain "that a complaint has been regularly made" (Book of Discipline, Chapter IX, Paragraph 11). Such regular procedure is defined as follows:

"Notice of such complaint must be given to the clerk of the court within ten days. The complaint itself must be lodged with the clerk of the higher court within thirty days after the notice is given."

It was ascertained before the Judicial Commission that in this case "the complaint itself" had never been lodged with the clerk of the higher court, as required by the law of the Church. What actually occurred is as follows: On May 12, 1956, two pages of paper with scribbling and notes had been signed by certain members of the Presbytery of New Jersey. This document, which has been called "the complaint," was kept in the possession of the stated clerk of the lower court of the Presbytery and has never been filed with the clerk of the higher court. Upon examination it appeared that this document was really not a "complaint" at all, but was a "notice," for it said:

"the undersigned hereby give notice of their intention to complain to the Judicial Commission of the Bible Presbyterian Church."

The constitution provides that a complaint must be signed before it can become a legal complaint. Chapter IX, Paragraph 11 specifically states that, "if signed by one-third or more of the members present when the vote was taken," it stays the "execution of the judgment pronounced until the matter be reviewed by the higher court."

In the presence of the Judicial Commission it was brought out that the stated clerk of the lower court, one of the signers of the document, had rephrased and rewritten the document, mimeographed it, attached in typewritten mimeographed form the names of those whom he thus signified as having signed the complaint itself, and then forwarded this to the members of the Presbytery and to the clerk of the higher court.

The failure of the complainants to comply with the law of the Church in this case, when lodging the complaint itself with the clerk of the higher court, means simply that their complaint had failed. The

Judicial Commission should have so ruled.

When our Church has set down, in its law, orderly procedures for the protection of all interested parties, these regulations should be obeyed before a party can expect the court legally to summon the defendant and gather itself for a hearing. Such was not done in this case. (See also Subsection C, in the second part of this Judgment.)

IV.

Our constitution very definitely limits the powers of the higher bodies of the Church and states that they have no powers beyond those which are specifically accorded to them. Thus there is in our constitution no power given to the Synod to order any Presbytery to meet at a particular time or place. At the very most, all that a Synod could require is that a Presbytery hold a meeting; this meeting, however, would have to be called by the Presbytery itself, in accordance with regular procedure; and the Presbytery itself would have the right to determine the time and place of such a meeting.

Synod could not possibly order a Presbytery to take certain action in advance of the decision by the Synod that such measures should be taken. Nor could the Synod validate such measures afterwards as being the carrying out of an order from Synod, if the action had been taken prior to the time when Synod issued such an order. Yet this is precisely what has been done!

V.

It is important that we note the exact words of the constitution regarding the calling of *pro re nata* meetings. The Form of Government plainly states, Chapter 9, Paragraph 6, as follows:

"The Presbytery shall meet on its own adjournment; and when any emergency shall require a meeting sooner than the time to which it stands adjourned, the moderator, or in case of his absence, death, or inability to act, the clerk shall, with the concurrence, or at the request of two ministers and elders, the elders being of different congregations, call a special meeting."

It should be noticed that this does not say that Presbytery is required to meet whenever two ministers and two elders desire it to meet. It says it shall meet "when any emergency shall require a meeting sooner than the time to which it stands adjourned."

There was no reason for the calling of a *pro re nata* meeting of Presbytery at Synod known to those who issued the call for such a meeting, which reason was not known to the Presbytery at its previous meeting. No new emergency had arisen. Presbytery had fully faced the issue and it deliberately decided to adjourn until its next meeting. Our Form of Government makes Presbytery alone the judge as to the time and place when it is to meet. Only in case of special emergency, unknown to the previous meeting of Presbytery, may a *pro re nata* meeting be held.

Our constitution gives very definite powers to the moderator of Presbytery, one of which is the convening of meetings (Chapter 17). When he believes that an emergency requires the calling of a special

meeting he shall do so "with the concurrence, or at the request of two ministers and two elders."

AN IMPORTANT PARALLEL

The provision about holding a *pro re nata* meeting "whenever any emergency shall require" such a meeting, is not intended to give to any four members of Presbytery the right to call a meeting whenever they happen to desire to do so. This fact is made very clear by the parallel to the provision of the constitution regarding a *pro re nata* meeting of Synod. Thus it is stated in Chapter 10, Paragraph 9, of the Form of Government:

"*Pro re nata* meetings of the General Synod may be called by the moderator of the preceding Synod, or, in the case of his death, absence, or inability to act, by the clerk, with the concurrence or at the request of at least one-third of the ministers of the Church and an equal number of ruling elders."

This statement is closely parallel with the statement that the moderator of Presbytery, in case of an emergency shall call a special meeting "with the concurrence or at the request of two ministers and two elders." However, the statement regarding Synod continues:

"Calling of such meeting shall be mandatory if it shall be demanded in writing by more than half the ministers of the Church and an equal number of elders."

If this latter statement about the Synod were not included, conceivably it might have been argued that whenever one-third of the ministers of the Church and an equal number of ruling elders asked for a meeting of Synod, the moderator would be required to call one. Yet such is obviously *not* the case. Calling of such a meeting is mandatory in the case of the Synod only if more than half the ministers of the Church and an equal number of elders demand it in writing.

In the case of a Presbytery, no provision is given in the constitution whereby a small group of ministers and elders can make it mandatory for the moderator to call a meeting, if he himself is not convinced that an actually new situation has arisen, unknown to Presbytery at its last previous meeting. The constitution nowhere states that the moderator of Presbytery must call a meeting whenever any group of four desires it. It says rather that he shall call it "when any emergency shall require one." It is his duty to determine whether such an emergency has actually arisen.

VI.

It is important to notice the precise words of the constitution which state that a clerk can call a meeting in case of the moderator's "death, absence, or inability to act." It is nowhere stated that the clerk can call a meeting if the moderator chooses not to do so. The constitution of the Church gives no such power to the clerk. If the moderator thinks there is an emergency requiring a meeting, he can call one, with the concurrence of or at the request of four members of Presbytery. If, in his opinion, there is no new development which was unknown at the previous meeting of

Presbytery which would require such a meeting, he is then under no obligation to call a special meeting.

VII.

Synod has no power to force a Presbytery to perform an illegal action. Synod cannot require a Presbytery to do anything which is forbidden in the constitution.

In the Form of Government, Chapter 9, the statement is found that Presbytery has the power "to unite or divide congregations, at the request of the people, but not without their consent." This statement very specifically makes it illegal for a Presbytery to divide a church without the church's consent.

The action of the Nineteenth General Synod, ordering the New Jersey Presbytery to require the Collingswood Church to give to a group of its members letters to a new church which they themselves were starting, is thus clearly and unquestionably illegal, since it requires a Presbytery to divide a congregation without their consent. Presbytery has no power to make or to recognize such a division, and it is clearly unconstitutional and illegal for the Synod to try to force it to do so. The demand of Synod in this case, therefore, must be considered as null and void.

MISSTATEMENTS IN THE MAJORITY OPINION

Exception must be taken to certain statements in the Majority Opinion.

A.

The Majority Opinion declares that the meeting of the New Jersey Presbytery on the floor of the Nineteenth Synod at St. Louis had been legally called by the stated clerk.

Actually the stated clerk has no power ever to call a meeting except in the case of the moderator's death, absence, or inability to act.

B.

The Majority Opinion says that that meeting was regularly requested by two ministers and by two elders.

The constitution nowhere says that, whenever two ministers and two elders request a meeting, a meeting must be held.

C.

The Majority Opinion states that the call for the meeting, as sent out by the Stated Clerk, was a supplemental form of the original call; yet it should be noticed that the original call listed one item of business and this call lists two items of business.

This change makes the call sent out by the clerk a very different call from the prior one. The additional item of business was never submitted to the moderator to give him opportunity to determine whether it constituted an emergency such as would properly require a *pro re nata* meeting.

Moreover, it was established before the Commission that a request dated January 18, 1956, for a *pro re nata* meeting of New Jersey Presbytery was sent to the moderator, this being signed by two ministers and by two elders of different congregations.

On March 15, 1956, the stated clerk, along with the minutes of the meeting of January 14, 1956, issued a mimeographed call for a *pro re nata* meeting to be held in St. Louis. At the end of this call he included the words, "Signed by the following ministers and elders." Then he put down the names of the same two ministers and two elders as on the petition of January 18th.

When it was asked that the original petition, properly signed, be produced before the Judicial Commission the stated clerk produced instead three sheets of paper. One was dated February 27, 1956, and requested a *pro re nata* meeting as follows:

"We, the undersigned, do hereby request that a *pro re nata* meeting of the Presbytery of New Jersey of the Bible Presbyterian Church be held during the sessions of the General Synod to be held in St. Louis to transact the following business: . . ."

This request was signed by only *one* minister and *one* elder.

The other two sheets of paper contained a different document, dated February 29, 1956, which was not a request for a *pro re nata* meeting, but which rather presumed to be a call, declaring:

"We, the undersigned, hereby issue a call for a *pro re nata* meeting of the New Jersey Presbytery of the Bible Presbyterian Church to meet at the time of the 1956 General Synod of the Bible Presbyterian Church in St. Louis."

These two papers were signed by *one* minister, who signed twice, and by three elders, one of how signed twice.

These three documents thus cannot reasonably be said to be proper requests for a supplemented form of the call for a *pro re nata* meeting which was sent to the moderator on January 18. On the contrary, the evidence shows that one of the ministers and three of the elders themselves presumed to issue the call in their own name; and the one document requesting that a *pro re nata* meeting be held was not even signed by the number of elders and ministers required by the constitution. Yet the stated clerk, in his mimeographed call to the members of Presbytery, said that the call had been "signed by the following ministers and elders."

Such gross irregularities as these not only dispute the conclusion of the majority in their Opinion that the call was "a supplemented form of the original call," but they reveal that the document set up by the stated clerk of New Jersey Presbytery never was signed by the constitutionally required number to make it a proper and legal request.

D.

The Majority Opinion speaks of "the rights of minority to have a *pro re nata* meeting." Actually, there is no such right. The constitution permits the calling of a *pro re nata* meeting "whenever an emergency exists," not "whenever a minority desire to have a meeting." We should pay closer attention to the precise words of the constitution.

E.

The Majority Opinion states that the New Jersey Presbytery and the Collingswood Church must comply with the action of the Nineteenth General Synod or else "stand the danger of being found in contempt of Synod."

In contrast to this, the express statements of the constitution make it illegal and unconstitutional for the New Jersey Presbytery or the Collingswood Church to comply with what clearly is an illegal requirement on the part of Synod. (See Subsection VII, above.) The Majority Opinion rightly says that "deliverances of Synod are not binding unless they become amendments to the Constitution. (Form of Government 10.5.)" When, as in this case, such a deliverance is itself contrary to the constitution, it should be considered as null and void from its inception. Any attempt to enforce such a deliverance should mark the one so attempting as being himself in contempt of the constitution.

Since the Form of Government expressly forbids a Presbytery to divide a congregation without its own consent, any attempt of Synod to compel a Presbytery to do this, by requiring a church to give letters to a dissident group which desires to pull out and form a new congregation, or which has already done so, is strictly contrary to the constitution. Such an order is of necessity null and void from its inception, and cannot legally have binding force on anyone.

F.

In the third full paragraph on page 2 of the Majority Opinion, we must dissent from the statement as to a stay "that whether the action is positive or negative can be of no consequence."

A stay cannot force a Presbytery to perform an action; a stay can only restrain it from performing an action.

Suppose a motion were to be made in a Presbytery to receive into membership 15 members of another body outside the Bible Presbyterian denomination. Suppose the majority were to vote against receiving these men. It would be surely absurd for the minority then to complain against this action of the majority and to allege that since this complaint by one-third of the members constituted a stay, the 15 men should therefore become members of the Presbytery with voting power, and consequently be able to change the majority decision of the Presbytery on every matter which subsequently might come before it.

It is clearly only a positive action of a Presbytery which can be stopped by a stay. Extension of the idea of a stay to negative actions is palpably absurd, and could become extremely dangerous.

The position of the Presbytery should have been sustained by the Judicial Commission.

Moreover, it was ascertained, before the Commission, that the second complaint, dealing with the question of a stay, had not been signed until after the Presbytery had adjourned, and any question about a stay could have no validity while Presbytery was in session because it had not yet been signed. (Book of Discipline, Chapter 9, Paragraph 10.)

When this fact was pointed out by the defendant Presbytery, the Commission should have honored the motion that the complaint be dropped, for the questions raised were then purely theoretical.

Moreover, the complaint should have been dropped as requested by Presbytery, on the ground that it asserted that the moderator had made a certain ruling which, according to his own testimony while defending the Presbytery, was not his ruling. Furthermore, the moderator of the Presbytery reported that he had withdrawn the ruling that he had actually made, when he learned that the complaint had not been signed by the one-third legally necessary to stay an action.

G.

The Majority Opinion, in discussing its judgment that the meeting of New Jersey Presbytery at the Nineteenth General Synod, as ordered by the Synod, was legal, says as follows:

"We recognize that deliverances of Synod are not binding unless they become amendments to the Constitution. (Form of Government 10.5.) But to fail to comply with the decisions of the Synod in administrative cases regularly appealed to it, is as impossible in the Presbyterian system as for an American citizen to reject or ignore a ruling of the Supreme Court."

In dissenting from this view, we, the undersigned members of the Judicial Commission, would draw attention to the fact that the constitution of the Church positively asserts that no action of Synod can bind the consciences of men, local churches, or presbyteries, unless that action becomes an amendment to the constitution itself.

It is clear that the above quotation from the Form of Government applies to more than just deliverances, for this paragraph twice enumerates: "deliverances, resolutions, overtures, and other actions of the General Synod," saying:

"Whenever such deliverances, resolutions, overtures, and other actions are additional to the specific provisions of the Constitution, they shall not be regarded as binding unless they become amendments to the Constitution."

This plain statement of the Constitution cannot be taken to mean anything else than that "other actions," including actions of administrative cases regularly brought before it, are not binding on the consciences of men, churches, or presbyteries.

To equate the authority of the General Synod with that of the Supreme Court of the United States, as the majority have attempted to do, and then to draw a parallel between the two, is to ignore the constitution of the Bible Presbyterian Church, which clearly provides freedom of conscience to men, churches, and presbyteries.

In taking such a stand, one would be assuming the very position which the Presbyterian Church in the U.S.A. maintained in the now famous cases of the 1930's in which that Church illegally acted against the Independent Board for Presbyterian Foreign Missions.

This would be true in the case of any action of Synod. It is particularly true in such a case as the present, where the deliverance of the Synod is itself in direct conflict with the constitution, and hence null and void. The only way in which such a decision could be made binding, would be to go through the procedure required to establish it as an amendment to the constitution.

H.

Exception must also be taken to the statement in the Majority Opinion that "Dr. J. Oliver Buswell is a member of the New Jersey Presbytery." It is the contention of the complainants that the call which was sent out by the stated clerk was the same call as that which had been sent to the moderator previously. That original request contained no mention of reception of Dr. J. Oliver Buswell into the Presbytery, and such an order of business was never submitted to the moderator in any request for the calling of a *pro re nata* meeting. Even if the meeting of the New Jersey at the Nineteenth General Synod could be proved to be a legal meeting, it would have no right to act on business not included in the original call. In view of this, it is difficult to see how any reasonable argument can be made for considering the action of the *pro re nata* meeting in receiving Dr. Buswell into the Presbytery to be a legal action, utterly irrespective of the larger question of the legality of the meeting itself.

HH

It is necessary to make strenuous objection to the last half-page of the Majority Report, in which severe strictures are taken against the fact that Dr. Carl McIntire and those associated with him as counsel for the New Jersey Presbytery, left the court in the course of the afternoon.

The second complaint against the New Jersey Presbytery dealt with an incorrect quotation of a ruling, which ruling itself had been withdrawn by its maker since it had become evident that other sufficient reasons already rendered any question of a stay during the meeting purely theoretical (see Subsection F above). Under these circumstances the counsel for the Presbytery asked that this complaint be dropped. When this was refused, he stated that under the circumstances he was willing to let the matter rest on the facts already revealed.

On the matter of the first complaint, attention must be called to Chapter IX, Paragraph 6, of the Book of Discipline, which states that representatives of a Presbytery have a right to prepare answers to the reasons alleged by those who present a complaint against it. This clearly implies that reasons should be given.

Early in the sessions Dr. McIntire pointed out that the reasons attached to the Complaint consisted largely of extremely vague statements, such as "it is contrary to the constitution of the church" or "the constitution is clear on this point." He asked for a specific statement of reasons, to which answers might be prepared.

Discussion of the matters relating to the

(Continued on page 13)

KETCHAM REPLIES TO HARRIS

Dr. R. Laird Harris, moderator of the "19th Synod" of the Bible Presbyterian Church, sent a lengthy letter to the Amsterdam headquarters of the International Council of Christian Churches containing various allegations against the American Council of Christian Churches.

Dr. Robert T. Ketcham's reply to Dr. Harris was read to the executive committee of the ACCC in Waterloo, Iowa, and the executive committee authorized the publishing of it. The letter in full follows:

October 16, 1956.

Dear Dr. Harris:

Thank you for your patience in waiting for my promised reply to yours of August 31. In reply to that letter I find it necessary to go back and review your letter to Dr. J. C. Maris of Amsterdam, written apparently in late April of 1956. The letter, however, is not dated.

In your letter to Dr. Maris you outline several difficulties which the Bible Presbyterians found in relation to the American Council. I would like to discuss them with you in particular now. The first one to which I call your attention is at the top of page two, where you are referring to the charges made concerning the practice of some doctors in the Belgian Congo. You say, "the IFCA was never given any satisfaction with regard to the facts of these matters, and the charges were made on the basis of letters kept secret from them." Dr. Harris, this is absolutely not the case. At that time the executive committee of the ACCC was composed of some seven men. These entire seven men, together with Dr. Bordeaux, sat in Dr. Garman's office in Wilkesburg for three or four hours with Dr. William McCarrell, Rev. Nye Langmade, and Rev. William Ashbrook. These three men constituted the committee from the IFCA which was there for the purpose of going into this matter under discussion. During that conference Dr. Garman said that he would not allow the members of that committee to see the signatures on the letters which he had on his desk, but he did read to them the sections of those letters which dealt with the matter under discussion. His purpose in not allowing them to see the names was in order that the informants' identity should not become public property to be bandied about with the possible danger of reprisals because of their information. Dr. Garman felt, and rightly so, that he had an obligation to protect the identity of his informants. Let me say here that the entire executive committee, man by man, before the coming of the IFCA representatives, passed those letters from one to the other, read them, and saw the signatures. But Dr. Garman would not reveal the signatures to these representatives because, as I have said, of the fear of reprisals. Now, Dr. Harris, eight men in that office that day read the letters, and saw the signatures. The other three had the letters read to them but were not permitted to see the signatures. I call your attention to the fact that it was the signatures only which were kept secret from those three men, and not

the letters or the charges therein contained. In spite of this, at the next meeting of the IFCA, it was publicly stated on the floor that Dr. Garman claimed to have letters which no one had ever seen. Now any disposition to be fair about this matter would indicate that your charge that "the letters were kept secret" from them cannot be substantiated.

You further state that Dr. Stam, who has a son working with the A.I.M., went into the charges thoroughly and has proven that the charges were "totally without foundation." Now, Dr. Harris, I happen to be a member of the committee that sat in Dr. Stam's office in Faith Seminary that day when his son's letter was read to us, and it doesn't "totally" do any such thing. While his son, in that letter, did disclaim the practice of any A.I.M. physicians in examining prostitutes, nevertheless he did admit that the word "prostitute" was included in the contract or agreement which the missionary has to sign, and that he saw one such contract signed by a missionary where the missionary had taken his pen and drew a line through the word "prostitute." The rebuttal of our charges is that the government never did ask for any such practice on the part of missionary doctors, in order to receive government aid in their medical work. Well, Dr. Harris, then I would like to ask you what the word "prostitute" was doing in the contract, and why was it in there in such a fashion that one missionary, at least, felt conscience bound to cross it out before he could sign it? Thank God, there was one missionary who did cross it out, but that fact in itself does not prove that there were other missionary doctors who did not cross it out. So I doubt if you can make your claim that Dr. Stam "proved the charges were totally without foundation." You say, "There just was no such licensing." Then will you explain the presence of the word "prostitute" in the contract which one doctor, at least, crossed out?

I come now to the second paragraph on page two of your letter to Dr. Maris in which you take up the matter of the American Council statistics. You say that your Synod took action some years ago asking that the American Council statistics be published. You then add, "We requested this without success." You add further, "Finally after our Greenville Synod in 1953, these statistics were published." Now, Dr. Harris, just as that statement stands, you are guilty of either deliberate misrepresentation or ignorance of the facts. I cannot bring myself to a conclusion that it is the former, therefore I must conclude that it is the latter. The facts are as follows. In 1952 I was appointed chairman of the Committee on Statistics, and was instructed and authorized to get a true and authenticated statement from each of the general constituent bodies in the American Council as to what their actual membership really was. I was also instructed to work out some kind of satisfactory solution concerning the other categories of membership. I immediately went to work on the matter and found myself with one of the toughest jobs

Minority Opinion on N. J. Presbytery

(Continued from page 12)

Presbytery of New Jersey was taken up early Thursday evening, and continued until late at night. It was continued all Friday morning and into the afternoon. Thus Dr. McIntire spent more than a full day acting as counsel before the Commission. Near the time of his first appearance he stated that obligations in Collingswood made it necessary for him to start for home before the end of the day on Friday, and it was partly in view of this fact that the Commission met at such great length on Thursday evening.

In defending New Jersey Presbytery, the counsel for the defense sought during these many hours to give full reply to many of the matters which the complainants presented to the court. In the course of the presentation, various specific reasons emerged which had not been mentioned in the complaint at all. Now that these were known, Dr. McIntire requested that he might be given time to gather evidence and to prepare adequate answers to them. This had to do with matters both of testimony and of law. He stated that if thus given the right guaranteed by Chapter IX, Paragraph 6, of the Book of Discipline, he would be glad to present the answers in writing to the members of the Commission for consideration and decision, or to present them personally at a later meeting of the Commission. If this right were denied him, he did not feel that anything would be gained by an attempt on his part to present further material at that time. Under these circumstances he asked to be excused from further attendance at that particular session. The request of Dr. McIntire was altogether reasonable, and the strictures against him in the Majority Opinion are quite unwarranted. The very extreme statement, "The Commission feels it amounts to contempt of court," is particularly to be deplored.

CONCLUSION

In conclusion, it is the judgment of the undersigned members of the Judicial Commission that the complaints against the Presbytery of New Jersey should be dismissed.

It should be pointed out that a clerk of a presbytery has no power to call a *pro re nata* meeting unless the moderator is unable to act, and that any action which is taken by such an illegal meeting, is, of necessity, null and void.

Finally, it should be recognized that the action of the Nineteenth General Synod in the earlier complaint against the Presbytery of New Jersey is unconstitutional and therefore null and void.

ALLAN A. MACRAE

Member of the Judicial Commission

I have ever had to complete. It was just well-nigh impossible to get these representatives of the various denominations to answer in any intelligible fashion, and oftentimes it was necessary to spend months to try to find out who the proper man was to contact. The result was that after more than a year of hard work, I had only about

seven of the general constituent bodies on record. In view of this, I did not present a report at the Los Angeles Convention. Without consulting me as to whether I was ready to report or not, Dr. Bordeaux put an item on the program that I was to report on statistics. I wrote him and protested such action, advising that I was in no position to bring any kind of final report. I did, however, write quite an extensive letter to the executive committee of the Council and addressed it to them at the hotel in Los Angeles in care of Dr. Bordeaux. This letter was read to the committee. I stated the actual figures of the six or seven denominations that I had finally received reports on, which totalled 117,000. I pointed out that this was by no means a final count—it was only a partial count, and under no consideration was it to be released, and that this letter was not for publication, but simply for information as to progress. I expressed the hope and desire that by the next annual meeting in 1954, I would be ready to report. To my utter amazement, Dr. Bordeaux released that letter from the New York office, making copies of it for some who asked for it, and it in turn was passed around all over the country. It got into the hands of Dr. Rayburn; it got into the hands of Max Belz; also into the hands of Rev. Newton Conant and Rev. Francis Schaeffer. Mr. Belz came out with an editorial in his little paper in Iowa in which he said something to this effect—Why doesn't the American Council leadership admit that it has 117,000 members and tell the truth? Later Mr. Belz wrote to Dr. McIntire something on this fashion—Carl, if you had told us on the floor of the Synod in Greenville that we only had 117,000 members in the American Council, the whole problem could have been settled, but you weren't willing to make that admission. These are not the exact quotations of Mr. Belz but they are on file in my Chicago office and this is the substance of what he said. You see, Dr. Harris, due to a very unethical procedure on the part of Dr. Bordeaux, a letter of mine to the executive committee, which in at least two places in the letter declared that it was only for the executive and was a partial report, was released and bandied all over this country, and on the basis of it reports began to fly around that the American Council had only 117,000 constituent members, and that when Mr. McIntire declared otherwise he was not telling the truth, nor neither was I.

Now, back to your charge that the Synod asked for the publication of statistics "without success." Everyone was informed that I was working on this difficult job of correlating these facts and figures and that I would not release them until I was certain we had them as nearly correct as humanly possible; that it was going to take time and that when the job was completed the report would be released. By the time we came up to the 1954 meeting in Boston, Massachusetts, I was ready to make a final report and did so. Your charge that you asked for this "without success" is unfair and misleading.

In the third paragraph on page two of your letter to Dr. Maris, in referring to my published report from the meeting in Boston, you discuss my report on the general

constituent denominations and say, "There is a feeling that it was overdrawn a little bit by including constituents along with members. Thus the communicant membership of the Bible Presbyterian Church is listed as between eight and nine thousand. A category called 'constituents' has been put in our minutes for several years, from what source I do not remember, and we have not cut this out of our statistics. The American Council's statistics blanks ask for members plus constituents, and they always choose the larger number to publish, listing the Bible Presbyterian membership as 13,000 or more." Now, Dr. Harris, I have explained this so often that it is getting to be a bit monotonous but we will do it once more for the sake of the record. The only reason that, as chairman of the statistical committee of the American Council of Christian Churches, I listed the total membership of the Bible Presbyterians on the higher figure is because that is exactly what I was told to do by whoever it was who signed the statistical questionnaire. In order to keep the record straight, let me quote again from that questionnaire. Question 4 says, "Total present membership of your churches (by 'present' we mean the last available figure in your possession. By 'membership' we mean only those who are actually members of your churches.)" Question 5 of the questionnaire reads as follows: "Number of other members. (By 'other members' we mean those whom you may consider as active in your church but who are not as yet actually members. For instance, in some denominations it is customary to include in their statistical figures their entire Sunday School; other denominations do not. If your group is one who does then we should like, if possible, this figure under Question 5 but not included in Question 4.)" Every year your stated clerk filled in an answer on both of these questions, and therefore the total of the two was taken for the American Council statistics. The wording and purpose of Question 5 is as clear as can be. We state that some denominations include all of these in their figures, and we state that other denominations do not; then we say if your group is one who does then we should like the entire figure. In other words, we want to report in the American Council exactly what the denomination itself considers to be its total figure. Some of our constituent bodies, such as our own in the General Ass'n of Regular Baptist Churches do not so consider any of these people and that question is always left blank. But the Bible Presbyterians filled it out, and therefore I was under the responsibility of using the figures which they presented.

In spite of all of this, however, I have been published all over this country as one who has misrepresented the figures of the Bible Presbyterians. It seems a bit unfair and unchristian to give me these figures over the name of your stated clerk, and then come to the public platform and through the public press and declare that the use of them constitutes a misrepresentation of statistics.

The last paragraph of page two of your letter to Dr. Maris brings up the question of the petitions which were circulated in the early years of the Council, and which is the

basis for some of the figures which we include in our statistical report. On several occasions I have pointed out that these petitions came back to the American Council office in such tremendous quantities that they constituted a row of bundles several bundles high along the side of a room. I have declared publicly that I personally helped to go over these petitions in some kind of a fashion which would be fair and honest in determining approximately how many names were on them. Obviously it would take a number of men many days just to go down each petition and make an actual count on each blank. We therefore followed the procedure which is followed by all reputable compilers of such figures, namely taking several hundred of the blanks, and making an accurate check of them, and then using the result of that as the basis for the determining of the total figure. Upon the basis of that cross check, it was determined that there were approximately 800,000 names on those blanks. You and your colleagues are now claiming that there was not such a large number of these petition blanks as we claim, and that "Dr. Buswell assures me (you) that there were only three or four piles about the height of a person's desk." This "assurance" by Dr. Buswell is rather interesting. I do not remember if you were present at the St. Louis Synod meeting when I was a guest speaker. If you were there you will recall that some time late in the afternoon, after sitting there all day and hearing my name bandied about as one who had misrepresented facts, I finally asked for the privilege of the floor and dealt with this matter of statistics. In my statement concerning these "petitions" you will recall that I turned to Dr. Buswell and asked him if he recalled the great piles of those petitions that filled practically the whole side of one room, several bundles high. You will further recall that Dr. Buswell nodded his head and gave oral assent that such was the case. It seems to me Dr. Buswell ought to make up his mind as to just what he does remember.

In the first paragraph on page 3 of your letter to Dr. Maris, still discussing these signers of these petitions, you say, "Now, under the insistence of the Bible Presbyterians and the Bible Protestants, these names of petitioners have been scaled down assuming a death rate of 10,000 per year, and in the present statistical account, 400,000 of the original 550,000 are still counted as connected with the American Council." Now, Dr. Harris, I shall have to disagree with you again. It was not under any such "insistence" that the scaling down of this group of petition signers was decided upon. From the very beginning of my operations as chairman of the statistical committee, I have discussed with the executive committee and others the need for some adjustment in this category. I had asked several for some suggestion as to how to honestly and wisely go about it. I did not feel that we had any moral right to throw the entire bunch of petitioners into the discard because, when those people signed those petitions, they were honest and sincere in asking us to represent them in matters of radio at least. And now to throw them all into the discard and lose much of our valuable radio time because of it was certainly not being

faithful to the trust which these petition signers had placed in us, when they affixed their signatures to these petitions. On the other hand, I pointed out to the committee that we must assume that many of them were dead, and that no doubt many more of them had, since signing these petitions, come into actual membership in general constituent churches, which would amount now to a duplication. So, for a year or more it was being discussed by some of us as to how we could honestly and faithfully deal with this category. I do not definitely recall who it was that suggested the scaling down of these figures on an annual ratio. As my memory serves me now, it was Harlee Bordeaux, but I would not be certain about this. At any rate, I included as a recommendation in my report this suggestion, at Boston, and it was unanimously adopted. And this unanimous vote was concurred in by the representatives of your own Bible Presbyterian group. A minor correction needs to be made in your statement that it was decided to cut them down 10,000 a year. The decision was to cut the individual constituent membership down at the rate of 5,000 per year, and the individual auxiliary membership was to be cut down at the rate of 11,000 a year. So it really means that 16,000 a year is coming off from these original figures.

Again you state that "Due to the insistent requests of the Bible Presbyterians they have no longer been called members, but since Grand Rapids were called adherents." Dr. Harris, I must insist that the change to the term "adherents" was not made on any such "insistence." Again may I say that some of us had been wrestling with the problem as to what to call these people for a long time, and at the Grand Rapids meeting it was I myself who took the floor and suggested that this category be called adherents instead of members. Of course, I realize that the Bible Presbyterians had been wanting this category changed but so did the rest of us, and finally we came to the conclusion that the word "auxiliary" was not a good word, so we just made them "adherents" instead, and everyone seemed to be happy about it. In fact, Dr. Harris, the Bible Presbyterians themselves were so happy about it that they gave assurance that they would ask the next Synod not to consider the overture of the St. Louis group to withdraw from the American Council of Christian Churches if some action was not taken eliminating this group completely from the records, under any title whatsoever. It was a bit astonishing therefore when at that very Synod meeting the Bible Presbyterians did exactly what they had assured us in Grand Rapids they would not do. You knew we were working desperately on this matter of getting the statistics properly in line and making every wise and careful move we could make to get them properly designated, and right in the middle of it you walk out on us, not giving us the benefit of a little longer time to get the thing adjusted.

One thing which puzzles me greatly, Dr. Harris, is that all of these statistics and all of this membership classification in these various categories was perfectly satisfactory to the Bible Presbyterians for more than ten years. Not once during the first ten years or so of the American Council's ex-

istence was there ever a word raised by any representative of the Bible Presbyterian group, or of any Synod in it, concerning any of these matters which you now state form the major factors in your withdrawal from the Council. If they are so suddenly wrong and evil and false now, why were they not so for more than ten years? I make no effort to determine the cause for this, but I will state some facts. It is a fact, Dr. Harris, that not a word of criticism about the statistics or the constitutional provisions for a classified membership was ever raised by any of your group, until you began to have internal rebellions against the person and leadership of Dr. Carl McIntire. Please understand I am not here at this point taking any position as to whether the internal disturbances of the Bible Presbyterians concerning Dr. McIntire and his leadership are justified or unjustified. That is certainly not for me to determine as an outsider. But one fact I do know, and that is this—that we never heard of any complaints from the Bible Presbyterians about the affairs of the American Council of Christian Churches until we began to hear complaints emanating from your group concerning the person and leadership of Dr. McIntire. They seemed to be simultaneous. One is almost forced to the conclusion therefore that your complaints now registered against the Council itself are not so much for the purpose of complaining against the Council as for the purpose of a further repudiation of Dr. McIntire. It has been this procedure which has irritated all the other constituent bodies in the American Council. As I told a group of your men one day, "If you fellows have a grievance against Dr. McIntire, real or fancied, and you conclude that he needs to be chastised, then let me urge you to go over behind the doors of the Bible Presbyterian Synod and do your chastising there, and stop making the American Council the public whipping grounds for your supposed bad boy."

On another occasion I said to some of your men, "You fellows, feel that you have to shoot at Dr. McIntire, and so insistent is your urge to shoot that you shoot him no matter on whose premises you find him. If you see Dr. McIntire on the premises of the American Council, Shelton College or Faith Seminary, immediately the shooting starts, and I can say to you frankly, brethren, that some of us are getting tired of being barked in the shins by your private war with Dr. McIntire. If you want to shoot, hold your fire for your own Bible Presbyterian Synods and quit disturbing the peace of the rest of us." That is exactly how I feel about it, Dr. Harris, and in view of the fact that there never was a word of complaint about any of these matters until you began to complain about Dr. McIntire in your own bailiwick of the Bible Presbyterians, I feel I am justified in that conclusion. This conclusion is strengthened by reason of a statement made to me by one of your men one day in Memphis, Tenn. I was called on the phone and asked to come down to another hotel room where a group of the Bible Presbyterian boys wanted to talk to me about their differences with Dr. McIntire. I advised the speaker on the other end of the phone that I could not come for two reasons. One was that it was none of my affairs, and the

second reason was that I had to leave in 15 minutes for the airport. In the short discussion on the phone I said, "Just what is your trouble with McIntire?" and to my amazement this was the reply—and I was so amazed that I asked for it to be repeated. Here is the reply: "Well, Dr. Ketcham, some of the boys are determined that they are going to show McIntire that he cannot always have his way right or wrong." Well, Dr. Harris, that is certainly a commendable objective in life! Or is it?

And now I come to the statements in your letter to Dr. Maris concerning proxy voting. You make some rather sweeping statements in this regard. You state that "It has been said that on some occasions as many as 40 per cent of those who voted at the American Council meetings were proxy votes." You further state, "At Grand Rapids I understand that around a dozen Shelton College students were serving as proxies." In your letter to me of August 31 discussing this matter of proxy votes, you say that your "knowledge of the proxy voting begins, I guess, with the sessions of the ACCC in California." As to that particular session, Dr. Harris, I cannot speak with firsthand personal knowledge because I was not there. I have, however, written the general constituent voting bodies who were there, and asked the question, as follows: "At the meeting in Los Angeles some years ago, who were your official representatives who were actually members of your denomination, and did you have proxy representatives present and voting, and if so who?"

[Here Dr. Ketcham gives in detail the names and denomination of every delegate to the American Council conventions from the Los Angeles meeting to the Memphis meeting inclusive, as recorded in the minutes of those meetings. Anyone wishing these names may procure them by writing to The Free Press, 1630 S. Hanover St., Baltimore 30, Md.]

Now, there you have it, Dr. Harris. These are the records from the minutes and from the statements of those responsible for these various constituent bodies. I therefore challenge both you and Dr. Buswell, whom you quote, to produce evidence that at the Grand Rapids meeting "more than a dozen students voted who were not members of constituent churches" and that on some occasions "40 per cent of those voting were proxies." It is true that on one occasion and possibly two, actual proxies were used, although in a very limited number. The charge of flagrant and widespread use of proxies cannot be substantiated, and it is just one of those things which balloons up and grows like a snowball every time somebody gives it another push. At the cost of hours of my precious time, and with my limited eyesight, I have instituted this thorough research, and here are the facts according to the actual records. I note in your letter to Dr. Maris that you say that it was this flagrant use of proxies which constituted one of the major reasons why the Bible Presbyterians withdrew from the American Council. Well, it may have been one of your major reasons, but it could not be based upon a major premise of truth.

You ask if I personally approve the use of proxies? Frankly, Dr. Harris, I do not personally approve the use of proxies, if by

proxies it is meant that someone is laid hold of suddenly to vote as a representative of some group of which he is not actually a member. I believe, on the other hand, that each constituent body has a right to see to it that their quota of voting delegates is full, if enough of their actual members are present and on the floor. I believe however that such action should not be arbitrary on the part of somebody present. I believe that there should be a standing resolution on the books of all of our constituent bodies authorizing those who are present, to present as voting delegates, if needed, any who may be there from that actual body. My own group, the GARBC, has such a standing resolution that ten men are actually named, but if any of the ten are absent at a meeting of the American Council, any other Baptist minister in our fellowship, who is present, may be called upon to act as his alternate—not as his proxy. I note, Dr. Harris, that this is exactly the situation as obtains in your own group. The Synod meeting in St. Louis in June of 1955 adopted the following: "All ministers of the Bible Presbyterian Church, in addition to those named as delegates and alternates, shall be alternates, and that the delegation at each Council meeting choose, if necessary, the minister who will fill any vacancy." This practice I heartily approve of, but it is a million miles from "proxies."

Well, I must bring this lengthy epistle to a close, and not only for the sake of my own time, but yours, too. I have, however, endeavored to be as factual and as thorough as I can possibly be, in an endeavor to answer these so often wild and exaggerated statements and rumors as to the terrible misbehavior and conduct of the American Council. I am sorry beyond words to express that the Synod felt that it could not work along with us slowly and patiently to correct some of the matters of which you complained, and some of the things which we all realized needed correction, but which could not be done by the snap of the finger. We regret, as I have said, your withdrawal from us, and your unwillingness to work patiently and co-operatively with us, but that is your decision and not ours.

With every good wish, I am

Yours and His,
ROBERT T. KETCHAM

POSTSCRIPT SUPPLEMENT TO LETTER OF
OCTOBER 16, 1956

October 27, 1956

I have had further opportunity now to check what actually happened in Los Angeles, and I find that there were certainly three, and not more than four "proxies" used in that conference. I cannot find any

What Brought Things to a Head in The Bible Presbyterian Church?

In answer to the above question there are several elements.

One is, we think, that a majority of the churches of the denomination have let it be known that they have united with the Bible Presbyterian Church Association. More than a majority of the members of the denomination have returned to the American and International Councils of Christian Churches through the Association. The brethren who have opposed the American Council felt that the situation was deteriorating and that something had to be done to stop it.

Second is the Judicial Commission's decision which revealed the position of the majority, as represented at the 19th General Synod, this Commission definitely following the lead of Dr. J. Oliver Buswell, Jr.

Third is the announced public intention of Dr. Buswell that the Presbytery of New Jersey should be dissolved and that the churches loyal to the position of Dr. Buswell should be taken back into the denomination. This was a revelation of a program and plan to expel from the denomination the Collingswood Church and Dr. McIntire in this indirect method.

And fourth is the decision of the Judicial Commission which actually went so far as to declare that unless the Collingswood Church and the Presbytery obeyed the di-

evidence of any "proxies" being used at any other American Council meeting.

In the main body of my letter of above date I said that there had never been any protest from the Bible Presbyterians over the first ten or eleven years. I want to correct that now. I am reminded that there was an overture brought to the Council concerning the term then used—"associate members." Without any controversy or

The emphasis in the Bible Presbyterian Church has always been on Jesus Christ and that in all things He should have the pre-eminence. The new emphasis upon the Church represents a real shift. Jesus Christ is the One whom we serve and it is He alone whom we seek to glorify.

rective of the 19th Synod they were in danger of being found in contempt.

Fifth, there came the call for the *pro re nata* meeting, with the specification that they would consider the actions of the Presbytery relative to the directives of the 19th General Synod, which reveals the carrying out of the plan of declaring the Presbytery in contempt, and the Collingswood Church in contempt, and expelling them from the denomination!

When things had clearly gone this far, according to the planning and the announced intention of these brethren, it was time then for the presbyteries that were remaining loyal to the constitution to take action in order to preserve the Church. This is what they did. This action, we are happy to say, has met with approval and in some instances enthusiastic response on the part of many of the people in the denomination.

Every effort was exerted to keep the peace and to remain with these brethren, but when they precipitated and planned such a procedure, it was folly indeed to sit around and permit them to disrupt the Church and bring confusion and a scattering of those who were the object of their attacks.

The Lord, we believe, has led and made possible in His providence and under the constitution this move which provides for a true continuing of the Bible Presbyterian Church under its constitution, the maintaining of the name—Bible Presbyterian Church, and the preserving of presbyteries loyal to that constitution as originally understood and faithfully followed for many years in the Church.

reluctance, the American Council recognized this overture and changed the wording to auxiliary members. This change was approved by vote of your Synod at its next meeting; therefore, the term "auxiliary members" which we have been using since was by the express approval of the Synod of the Bible Presbyterian Church. This is the very term to which some of your members have taken such violent exception during the last two or three years.

With every good wish, I am

Yours and His,
ROBERT T. KETCHAM

All communications and requests for extra copies of The Free Press may be addressed to the secretary-treasurer of the Committee, the Rev. Arthur G. Slaght, 1630 S. Hanover St., Baltimore 30, Md.