

Congregationalists on the Merger

Readings in the History and Polity of the National
Association of Congregational Christian Churches

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Rev. Dr. Arlin T. Larson, editor

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PREFACE

Learning about the National Association of Congregational Christian Churches is not easy. No comprehensive history has been written. Only a few of the founders remain active. No seminary offers a course tailored to it. Months or years of participation, informal contacts, and overhearing the scuttlebutt are usually required. The "Congregational History and Polity" course is designed to accelerate the learning curve by immersing the student in modern Congregationalism's traditions and practices, as well as in the more comprehensive Congregational story.

We see this as essential for seminarians seeking a firm foundation in the community they are preparing to serve. Equally important is educating the many ministers who come to Congregationalism from other traditions. Church members seeking a better understanding of their faith may also appreciate a package that brings widely scattered materials together.

The first volume, for instance, *of Readings in the History and Polity of the National Association of Congregational Christian Churches* collects Congregational reflections of the nature of the church(es) as recorded in the *Congregationalist* magazine. The articles collected are neither comprehensive nor definitive; we are not even certain to what extent they are representative. What can, however, be said is that the authors are men and women active in the Association whose views the magazine's editors deemed worthy of distribution.

At the very least the readings collected inform the reader of the parameters of discussion within the NACCC. They will additionally provide an introduction to leaders of the Congregational way and hopefully some insight into this movement's peculiar contribution to the Body of Christ.

This project is in its early stages. We would appreciate your suggestions and notice of our errors and omissions.

Rev. Dr. Arlin T. Larson, editor

GLIMPSSES OF THE GENERAL COUNCIL

I. Burton Protests Executive Committee Reports.

One of the few times when a notoriously noisy assembly hall was quiet enough to hear the proverbial pin drop was Tuesday afternoon, June 24, when Rev. Malcolm K. Burton of Pontiac, Michigan, presented a protest against the Report of the Executive Committee of the General Council. This protest was divided into three parts.

Replies Never Reported

The first concerned the omission from the Report of two matters known to Mr. Burton personally. One was the assurance given by the Executive Committee to certain individuals that their participation in the Uniting Synod of June 1957 would not involve them in membership in the United Church of Christ. The second concerned letters admittedly received from the Continuation Committee and from Judge Henry A. Middleton of Ohio, answers to which gave interpretations of the rights of individuals and churches in accordance with opinions held by the Executive Committee. The contents of these replies have never been reported to the churches, even though record does appear of their having been authorized.

Beyond Constitutional Powers

The second part of the protest has to do with actions of the Executive Committee in going beyond the provisions of the Constitution of the General Council. Nothing in that constitution authorizes the Executive Committee to expend large sums of money for the promotion of some other denomination. "Unless it can be shown," said Mr. Burton, "that the Congregational Christian Churches are in the United Church there is nothing . . . which would authorize expenditure of time, effort and financial substance upon the United Church of Christ by the Executive Committee of this body." He went on to call attention to the fact that neither by the churches themselves, nor by the General Council, nor even by the Uniting General Synod has any action been taken that even claimed to make the Congregational Christian Churches part of the United Church.

Inconsistencies At Cleveland

Thirdly, the protest concerned the inconsistencies in the action of the Uniting General Synod itself. Space does not permit a full report of this, but among other things attention was called to the resolution that the Basis of Union and Interpretations had been "legally adopted," whereas the actual declaration of union proclaimed the Union of the Evangelical and Reformed Church with the *General Council* of the Congregational Christian Churches. This, in Mr. Burton's words, is "a hybrid proposal which had never been discussed in either communion." "While avoiding the direct claim of a union of the two communions," added the speaker, "the General Synod through use of this more obtuse language made a claim suggestive of even more sweeping implications." (Copies of the entire protest may be obtained from Rev. Malcolm K. Burton, 97 Mary Day, Pontiac, Michigan.)

II. Reports on Progress Challenged

On Thursday morning the Minister and Secretary of the General Council gave a report on the progress and development of the United Church since June 1957. Questions from Dr. Henry David Gray of Hartford, Connecticut, brought a clear admission that the Congregational Christian Churches are not a part of the United Church of Christ. With reference to the constitution now in process of preparation, Dr. Ronald Bridges, co-chairman of the Constitutional Commission, was questioned about a statement he was said to have made in a Maine church on June 8, that the constitution was to be for the General Synod only. In his reply Dr. Bridges quoted from the Interpretations of the Basis of Union that it will "define and regulate only as regards the General Synod but describe the free and voluntary relationships which the churches, associations and conferences shall sustain with each other." A direct question as to whether those who reported that he had made the clear statement that it would be "for the General Synod only" had misunderstood him, brought no unequivocal reply. In answer to another question, Dr. Bridges said that just as the Constitutional Convention at Philadelphia in 1787 went beyond the terms of its original call and prepared a constitution for the United States instead of merely revising the Articles of Confederation, so the Constitutional Commission of the United Church might go beyond the terms of the Basis of Union "if so directed by the Holy Spirit."

III. Annuity Fund and Grant Mortgage Questions.

Resolutions were adopted purporting to give assurance that ministers who do not go into the United Church would not lose their rights in the Annuity Fund, and that churches holding grant mortgages from the Church Building Society would not have to pay those mortgages if they refused to become part of the new denomination.

Midwest Office Opens

The National Association of Congregational Christian Churches opened its Midwest Office on June 9, at 176 West Wisconsin Avenue, Milwaukee 3, Wisconsin. At such date in the autumn as Rev. Neil H. Swanson, Jr., now pastor of the First Church in Wauwatosa, takes over the duties of Executive Secretary of the Association, this will become the central administrative office.

On June 9 Miss Robbie Lee Redmond became Office Secretary. Miss Redmond has been a high school teacher of commercial subjects for the last four years, and is well qualified for her task. Mr. Swanson, who is now serving as Midwest Regional Secretary of the National Association, reports that she has already accomplished a considerable amount of work. The date when Mr. Swanson will be able to take over full time duties will depend on the filling of his place as pastor at Wauwatosa, and will be announced in a future issue of THE CONGREGATIONALIST.

The cover picture is a view on the Sheepscot River, from North Edgcomb, Maine. The Marie Antoinette House, two doors away, also has a view looking over the river to Old Fort Edgcomb, built in 1808 on Davis Island, just below Wiscasset, Maine.

(Photo courtesy M. J. Bradshaw, Bangor, Maine)

THE COURT OPINION

In the April CONGREGATIONALIST (p. 3) "A Late Bulletin" announced that Judge A. O. Dawson of the Federal Court, Southern District of New York, had denied the motions made by the Evangelical and Reformed Church, the General Council and defendant Congregational boards, and the American Board of Commissioners for Foreign Missions, to dismiss the case filed against them last June by the First Congregational Church of Burlington, Iowa, three other churches, and ten individual members and ministers. THE FREE CHURCHES for September 1957 gives a summary of the complaint in this suit.

Not Settled in "Cadman v. Kenyon"

Three motions to dismiss had been made by the attorneys for the defendants. The first, made by the General Council and Boards, claimed that the issue had been settled in the "Cadman Case," of 1949-53, in which the judgment of the trial court favorable to the plaintiff had been dismissed by higher New York courts. One of the reasons set forth by Judge Dawson for denying this motion was that the several Congregational boards and the Evangelical and Reformed Church were not parties to that case, nor was the adjudication in the New York courts binding upon the present plaintiffs. Regarding the further claim of the defendants that the Committee for Continuation of Congregational Christian Churches was actually the plaintiff in both cases, Judge Dawson states, "The facts as to the Continuation Committee are not undisputed and those facts cannot be determined on this motion but should be determined, if properly pleaded, at the trial where the parties will have an opportunity for examination and cross-examination."

The assertion by the Congregational defendants' attorneys that the Court had no jurisdiction because the Continuation Committee had deliberately selected non-resident plaintiffs and persuaded them to bring this suit, is answered by the point that the plaintiff churches and members are real parties in interest with substantial rights involved in the outcome of this litigation.

Suit Based on Present Facts

The Evangelical and Reformed Church sought dismissal of the suit on the grounds that the plaintiffs have known for over eight years of the participation of that body in the proposed merger. The plaintiffs contend that the suit is brought upon facts as they existed in 1957. "Under the circumstances," says the Court, "and under the present posture of the facts, it appears that there is not sufficient merit to this motion of defendant to warrant the granting of dismissal as to it."

In the motion made by the American Board, which claimed that this Board is not "doing business within the Southern District of New York," the Court finds that the close tie-up with the Missions Council, which has its office in New York, makes this claim invalid. This Board had also asserted that, as a Massachusetts corporation, it was not subject to the suit in New York, to which the Court replies, "It appears that the common questions of law and fact as to the interpretation and validity of the 'Basis of Union' and 'Interpretations' may arise which will affect the American Board as well as the other defendants and plaintiffs here."

All Motions Denied

The formal part of the opinion closes with the words, "All motions of the defendants are therefore denied. In making this determination the Court wishes to make it clear that it is not passing upon the principal issues involved in the litigation; all that it is deciding is that those issues cannot be determined on a motion but must await the trial of the action."

A concluding statement by the Court that more Christian charity and understanding would have made it possible to adjust the differences so that the time and money might be devoted to the promotion of Christianity rather than to litigation, will meet with the approval of all Christians. But when the attempt to arrive at an understanding of the rights of dissenting churches, at Omaha in 1956, was turned down by the General Council, those who had rights involved could see no alternative to court action.

THE PHILADELPHIA MEETINGS

The Editor of *THE CONGREGATIONALIST* attended the meetings of the General Council of Congregational Christian Churches and the General Synod of the United Church of Christ, held in Philadelphia June 29-July 7, for the purpose of presenting to the readers of this periodical a first hand account of both meetings. The impressions here recorded are his own and may or may not have been shared by others.

The General Council

A Friendlier Spirit

The first impression of this meeting was that of a spirit with marked contrast to that which had been noticeable at most previous Councils since 1946. The bitterness and sarcasm so conspicuous at these meetings were conspicuous by their absence here. Even when a mere half-dozen Continuing Congregationalists rose to record their votes against the resolution to transfer the functions of the General Council to the General Synod of the United Church of Christ and the motions to amend the By-Laws so as to make the General Council a phantom body, there were no audible guffaws or snickers at the small number compared with the overwhelming majority.

No doubt many reasons could be given for this changed atmosphere. Among them, this writer believes, were the uncompromising but irenic words of the Chaplain, Dr. Howard Conn of Minneapolis. Dr. Conn made it clear that he did not approve the actions slated to be taken, but in pointing out that we are all disciples of the same Lord, he said, "Some are going into this union from high idealism, some reluctantly, and some by reason of principle are not going in at all."

When the "enabling resolution" was before the meeting, Dr. Henry David Gray, Rev. Erwin A. Britton, and Dr. Conn made brief statements. Typical of these were the words of Mr. Britton, who said in part:

"It would appear, whether we desire it or not, that some parting of the ways is at hand. Here and in the days to come I am concerned about the spirit in which we act toward one another. On far too many occasions in the past we have, in the heat of conflict, said things to and about each other which were unkind and uncharitable. I hope none of us carries that attitude into the future. We ought to have — at the very least — as much concern for one another as we have for our fellow-churchmen in the Methodist and Baptist and Presbyterian Churches. Indeed as men and women nourished by a common tradition we ought to have more, however sharp and critical our disagreements have been.

"It took a generous spirit for Paul to write to the Church at Philippi, 'Some indeed preach Christ from envy and rivalry, but others from good will. What then? Only that in every way, whether in pretence or in truth, Christ is proclaimed, and in that I rejoice.' I believe upon all of us is laid the obligation to pray, not that those differing from us shall come to see things in our way, but that each of us in his own way and through the Churches in which he may be called to serve, may effectively glorify Christ. Anything less is unworthy; anything more is unnecessary."

Sadness at Parting?

It appeared to this writer that in marked contrast to some of the preceding Councils there was little

enthusiasm for what was being done. May it perhaps be that however great the idealism which prompted many, some of the rank-and-file Congregationalists who have unquestioningly followed their ecumenically-minded leaders have now, as they think of the demise of the General Council, and as they part from their brethren who from principle are not going into this union, are saddened at the prospect? In any case, it is sincerely to be hoped that the prayer urged by Mr. Britton, as reported earlier in this article, will be fulfilled in the attitude we have toward one another.

The United Church General Synod

When the third General Synod of the United Church of Christ convened on July 3, still another attitude and spirit was in evidence.

There was, happily, none of the bitterness and sarcasm, but neither was there concern over the "parting of the ways" or any evidence that the spokesmen for the United Church of Christ believed that if each of us in his own way proclaimed Christ, anything more would be unnecessary.

Zeal for Conformity Never Dies

The only concern expressed for the 1793 Congregational Christian Churches which, with their 324,520 members, have not become part of the United Church of Christ, was the oft-expressed desire to see all of them eventually brought into the new communion. In view of the spiritual heritage of which both the uniting denominations are proud, from those who suffered as heretics and non-conformists in generations long gone by, it seems strange that the new church showed, on this occasion, so little recognition that those of today who refuse for conscience's sake to conform are their brother-Christians and partakers of the same heritage.

The days of heretic-hanging and imprisoning those who stand by their own beliefs have, happily, gone by. But zeal for ecclesiastical conformity seems to be as strong as ever.

A Statement From Dr. Herbster

Upon Dr. Herbster's election as President of the United Church, the Editor of *THE CONGREGATIONALIST* asked him if he would care to make a statement to the Congregational Christian Churches remaining out of the union. Dr. Herbster proved to be very friendly and courteous, and his statement is printed herewith:

"The United Church of Christ sends
GREETINGS IN THE NAME OF THE LORD.

It will be a matter of profound sorrow if ultimately there is a single church which does not hold fast to its fellowship with the great body of churches which have hitherto expressed their substantial unity in faith and purpose. The General Synod of the United Church of Christ has voted 'to extend to the Congregational Christian

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Churches which for any reason delayed becoming part of the United Church of Christ, every courtesy, every evidence of our sincere desire for Christian fellowship with them and every service of the boards, instrumentalities and agencies of the United Church of Christ.'

We shall do everything in our power to implement this resolution. We stand ready, as you may give us opportunity, to serve and work with you, at any time, in the service of our Lord and of His Church."

Signed: Ben M. Herbster, President of
The United Church of Christ.

CHURCH UNION AND RELIGIOUS FREEDOM

Carolyn T. Abbot, Westford, Massachusetts

The proposal to create the Reformed and Catholic Church by uniting Episcopalian, Presbyterian, and Methodist Churches with the United Church of Christ is startling. If the new plan of union should follow the pattern of the United Church of Christ, the new denomination could, without the consent of the local churches, join with United Churches of Christ abroad to form a world Church. The Report of the Committee on Free Church Polity and Unity as presented to the General Council of Congregational Christian Churches in 1954 shows that Congregationalism has been lost in the United Church of Christ established in other countries.

Proponents of a united Protestant Church assert that denominations are abhorrent and divisive and that they fragmentize the body of Christ. The truth is that denominations have been the natural outgrowth of religious freedom. Through them we have had the opportunity to enjoy freedom of worship, freedom of inquiry, voluntary fellowship, voluntary consultation, the expression of a variety of opinion, and separation from error. The body of Christ is the great company of believers, each with personal talents. How could we, ministers and laymen, give of ourselves as God made us if we were poured into one mould?

Advocates of union say that cooperation and spiritual unity are not enough, — that the complete organic union of churches and denominations is necessary for Christians to witness to unity in a world of disorder. A publication of the National Council of Churches of Christ entitled "Christian Responsibility on a Changing Planet," a report of the Fifth World Order Conference, states on page 54: "Beginning at the parish level, it is necessary to cultivate a new understanding of, and a sensitivity to, the international implications of national actions, and a new willingness to delegate sovereignty in specified areas to international authority." Perhaps this is the key to the purpose of a world church. Member churches and denominations, by giving up their sovereignty, would be said to witness to the fact that nations, too, should surrender sovereignty and be placed under one international government. I am certain that Christianity would not benefit from the organic union of churches and denominations on a large scale, nor from the submerging of free principles, and I am confident that ways can be found for nations to solve intricate problems without relinquishing their sovereignty.

Governed by the Experts

A careful study of reports, articles, and books on the subject of church union leads me to believe that one principle of a United Protestant Church would be that the collective mind of experts in the realm of religion should be relied upon in the reaching of decisions of a controversial or complex nature. The opinion of leading churchmen would serve as a collective conscience to guide the millions of constituents. Governments, too, would be expected to listen to this "voice" of the Church. Freedom to choose and act independently would not be condoned.

I suggest that a corporate united church which claimed to continue the former identity of the member denominations within its structure would be a collective church. Such a denomination would be in the position of a "primary" or dominant denomination, and member churches and denominations would be in a "secondary" or subordinate position. This subordination of one denomination to another would not be compatible with religious freedom. Thus, it seems reasonable to maintain that, since the United Church of Christ is a corporate Church, a Congregational Christian Church which joined it could no longer claim to be a Congregational Church. It would be a local church of the United Church of Christ. A Congregational Church could not be in a subordinate position to the United Church of Christ. The Congregational Churches which determined to remain faithful to the original principles and practices of those Churches would compose the continuing denomination of Congregational Christian Churches.

The End of Freedom

It does not seem probable to me that religious freedom would survive in a corporate united church which fused the denominations in the new body, nor in a federation of denominations under one government. In both cases, considerable control could be exercised over the united body, and huge sums of money would be channeled into one missionary and one educational program.

Churches and denominations can work together without surrendering either their sovereignty or their identity in associations and organizations devised for fellowship, inspiration, and cooperation but with no authority to govern the member churches and denominations.

Denominations have blossomed on the tree of Christianity. What would be the advantage of cutting off the branches? Rather, let them bear fruit.

MORE CHURCHES VOTE "NO"

Since our last issue, reports have come in of the following Churches voting against joining the United Church of Christ: Connecticut, Hartford, South; Illinois, Ontario and Wataga, Maine, Denmark, Machias (Center) and Marshfield; Massachusetts, West Medway, Second; Michigan, Pontiac; Minnesota, Duluth, Pilgrim; New Hampshire, Derry, Central.

(The Editor of THE CONGREGATIONALIST requests that pastors, clerks, or other responsible members of Churches which vote against joining the United Church of Christ, or which decide not to vote at all on the question, should report it as soon as possible to him at 61 East Street, Melrose 76, Massachusetts, so that it may be listed in these columns.)

Disorders in the Kingdom

A HISTORY OF THE MERGER

*of the Congregational Christian Churches
and The Evangelical and Reformed Church*

PART II 1950 - 1980

A Documented, Eye-Witness Account by

MALCOLM K. BURTON

The first copies of this book are paid for out of memorial gifts to the Continuation Committee given in memory of Dr. Howell D. Davies, and the book is gratefully dedicated to this devoted servant of the Churches and this defender of the Congregational Way.

From the date of his retirement as Mid-West Secretary of the Missions Council of the Congregational Christian Churches in 1950, until his death in October, 1962, Dr. Davies served as full time Executive Secretary of the Continuation Committee, maintaining its office at 100 N. La Salle St., Chicago. He was dedicated to truth and to true Christian principles. Even in controversy he was always a Christian gentleman and a man of honor. He carried heavy burdens for this Committee, in the face of constant pressure from old friends and ecumenical leaders, and with a glad heart carried on because he was convinced of the rightness of our cause.

With Malcolm Burton, Howell Davies formed the nucleus around which thousands have voluntarily shared their time, their talent, and their material treasure so that the actions outlined in this book would not go unchallenged and Congregationalism would have a worthy defense.

- Rev. John Alexander, Secretary

Committee for the Continuation of
Congregational Christian Churches
of the United States, Inc.
P. O. Box 277, Marshalltown, Iowa

January 15, 1966

A BRIEF HISTORY OF THE MERGER
Between CONGREGATIONAL CHRISTIAN CHURCHES
and The EVANGELICAL AND REFORMED CHURCH
To Form THE UNITED CHURCH OF CHRIST

The union of the Congregational Christian Churches with the Evangelical and Reformed Church (to form the United Church of Christ) has been hailed as remarkable because it is the first union across denominational lines, involving churches of basically different structure. Far more remarkable is the fact that the union was accomplished without ever telling the constituents of either denomination what they were getting into or what the final organization was really supposed to be.

For more than twenty years the leaders in this union have artfully dodged and evaded the fundamental truth in regard to this union, which they consider so "remarkable". Actually, if they had told the truth they could not have effected their plan, as should be evident to everyone from history of the events which mark the consummation of the union.

The Congregationalists came to this country with the Pilgrim Fathers in 1620. Their contributions to America in more than 300 years have been outstanding in the field of creative religious leadership, the founding of colleges, and in laying the foundations of a constitutional government in local states and in the country as a whole.

Congregationalists learned their democracy in their local churches. According to the Congregational principle, each local church is a "complete church" in itself and has full authority to govern all of its own affairs and to choose all of its own officers. In Congregationalism the churches are joined together only "in fellowship". They are not part of a national "Church", nor have they ever been under the direction and control of a national "Constitution" or of higher governing bodies.

The Evangelical and Reformed Church, on the other hand, was a Presbyterian type of structure. The denomination as a whole was "The Church". It had an ascending series of judicatories starting with the local congregation, moving up to the local Synods, and from these to the General Synod. An overall constitution declared itself to be "fundamental law" of the entire denomination, having authority over all of its members and judicatories.

In Congregationalism there was by principle no over-all authority or constitution. In the E & R Church there was. How could you join a system in which there is no overhead authority with one in which there was such authority without making any changes in either group?

Remarkable indeed would be a plan that could join two such divergent religious groups; but more remarkable still is the fact that such a plan was discussed from 1942 through 1961 without anybody ever divulging the secret as to what the final product is supposed to be. Is it Congregational? It does not say so, even though Congregationalists have been told that they would remain "Congregational". Is it Presbyterian? It does not say so, even though many who wanted it to be Presbyterian have been encouraged to believe that this is its ultimate framework and destiny.

The achievement of this union is all the more remarkable in view of the strenuous efforts made to find out what the true structure was supposed to be, and the fact that the most strenuous efforts, continuously engaged upon for nineteen years by active opposition groups, were utterly thwarted in all their endeavors to force an answer.

Brief Chronology of Main Events.

The following dates give the outline of events, without going into a host of intricate details which would show even more the skill with which the facts were evaded and dodged. Later we shall fill in some of the details and the undercurrents and crosscurrents of feelings and efforts, both for and against the merger.

1942. The first vote to explore the possibilities of a union was taken by the General Council of Congregational Christian Churches in June, 1942, when it authorized its Commission on Interchurch Relations to explore the possi-

bility of an "organic union" of the General Council with the Evangelical and Reformed Church. Note that the vote called only for a union of the "General Council"; the national body which was for fellowship only and had no authority over the Congregational Christian Churches.

1944. By the time that the General Council met in June, 1944, the Basis of Union had been prepared and had been revised so that its fourth edition was before the General Council. This Basis of Union provided for a complete organic union of the churches and of all the C.C. bodies, not just of the General Council. No detailed discussion of the Basis of Union was held at the 1944 Council, but only a vote on "procedures" was passed. This also provided for a joint three-day meeting with the Evangelical and Reformed Church General Synod in 1946 (which was never held), and for a "non-binding" vote of churches, Associations, and state Conferences.

October, 1945. First pamphleteering, done for the purpose of forcing a clear statement of issues, was started by Rev. Malcolm K. Burton of New London, Connecticut, in October, 1945. Sending to a select list of less than three hundred persons, he included State Superintendents and national officials. These mimeographed pamphlets kept asking for answers to basic questions. A series of fourteen such leaflets were published prior to June, 1946. Such pamphleteering has continued on an individual basis even after organized opposition appeared, and numerous other individuals have published a wealth of far-reaching, truth-seeking material,--all to little or no avail, so far as getting answers to fundamental questions is concerned.

1946. Joint meeting with E & R General Synod was not held. Instead a plan to add a Supplement to the Basis of Union was presented by the C.C. Commission to the 1946 General Council, for the purpose of specifying the way in which the denominational boards of the Congregationalists would be brought into the union. However the 1946 General Council was used by merger proponents to create a mob spirit in favor of union even when no plan was ready, and a vote, introduced from the floor, urged going ahead "without undue delay".

June, 1947. Basis of Union, which had now gone through at least seven revisions, was sent to the Churches, Associations, and Conferences without any General Council ever having discussed its provisions paragraph by paragraph and

without having faced the issue of what it really involved. The vote to send to the churches was taken by a few representatives from the various states, presumably upon instruction from the other delegates of the General Council in their home states but without any regular meeting of the General Council itself or any chance for full discussion of the document.

November, 1947. The "Evanston Meeting" was held at First Congregational Church in Evanston, Illinois, by Congregationalists from all over the country who were concerned with the Basis of Union and its meaning. The Statement of the Evanston Meeting declared that the Basis of Union called for a Presbyterian system and the abandonment of the Congregational principle,--statements which were promptly denied by publications from the C.C. General Council office and most of the denominational officials in their public appearances.

The representations about the Basis of Union were made without ever asking the other party to the agreement - the E & R Church - for a joint statement which would declare frankly and openly what the polity would be.

1947-1948. Campaigning and pamphleteering, for and against the Basis of Union, was carried on intensively during voting of the churches. The Continuing Committee of the "Evanston Meeting" published numerous letters and sent them to pastors and clerks of the churches. Independent pamphleteers, including Dr. Marion J. Bradshaw of Bangor, Maine, and Rev. Malcolm K. Burton of New London, Connecticut, also sent out anti-merger material. Pro-merger material came through the pages of the denominational journal, "Advance", in its editorials and articles and through publications mailed out directly from denominational headquarters. The denominational leaders scoffed and sneered at all opposition efforts and continually insisted that the opposition writers did not know what they were talking about. But there was no open and frank discussion of the true polity intended,--officially agreed upon by both denominations.

April, 1948. The deadline for voting on the merger was supposed to be April 1st, 1948. The vote by churches at that time was only some fifty-eight percent approval of those churches voting, and the vote by individuals was even lower in percentage. The Basis of Union had been sent out with the representation that it should be approved by the General Council if seventy-five percent of the individuals

voting, seventy-five percent of Churches voting, seventy-five percent of Associations voting, and seventy-five percent of Conferences voting had approved. Intensive effort was made by officials between April 1st and June (thus extending the deadline for voting), prior to the General Council meeting, to get the seventy-five percent vote. Yet on May 25th, 1948, the official tally showed only 65.3 percent approval by churches voting and only 63.7 percent for individuals voting. (Only twenty percent of total membership participated.) Clearly the merger proposal had failed according to its own terms.

June, 1948. (Oberlin Council) Executive Committee of General Council sent out a letter informing the Churches that the Basis of Union had fallen short "of a clear mandate to proceed with the validation of the Basis of Union" and that in its judgment the strength of the Churches' life and work would best be safeguarded if the General Council meeting would take no definitive action on the acceptance or rejection at its session that month. The Churches were informed that the Executive Committee was "of one mind" in this recommendation.

But even at the time that the letter was going to the Churches, giving the impression that no definitive action would be taken at the Council session, "strategy" was being worked out to set aside the unanimous vote of the Executive Committee. At the meeting in Buck Hill Falls (April, 1948) when the above recommendation was voted, Dr. Douglas Horton (then Minister and Executive Secretary of the General Council) seemed unwilling to accept the judgment of the Executive Committee that the Basis of Union had "failed" or that no action should be taken. This writer, who was present at the meeting, remembers that Dr. Horton's rejoinder to the recommendation was that there would be nothing to prevent a motion "from the floor" of the Council to go ahead anyway. Friends of Dr. Horton's were then organized into a "Strategy Committee" prior to the Council and they set up mass meetings at Oberlin, Ohio, at the time of the Council sessions, where their "strategy" was outlined the night before each day's meeting. Thus had the Churches been led to believe that no action would be taken, while at the same time Dr. Horton's friends were busy planning their way of forcing a vote through even if it meant breaking faith with the people back home, who had been led to believe that no vote would be taken at Oberlin approving the Basis of Union, nor without the seventy-five per cent approval.

The General Council, then, voted a set of "Interpretations" which it said represented the true purpose of the Basis of Union and also voted its approval of the Basis of Union,--again without discussing the Basis of Union paragraph by paragraph or getting E & R approval of its "Interpretations". The Council also voted money for propaganda and elected a Committee of Fifteen to "get the seventy-five percent vote" and again extended the voting period, to January 1st, 1949. It also provided for a special meeting of the General Council in the event that the seventy-five percent were not achieved.

(1948. Tentative plans had been made for holding the uniting meeting of the first General Synod of the United Church of Christ in Columbus, Ohio, in November, 1948. This shows how quickly officials had expected to push the merger through. This plan was cancelled by the Executive Committee at its meeting at Buck Hill Falls in April of 1948.)

September 29, 1948. The General Council (Executive Committee) of the E & R Church repudiated the Oberlin Interpretations, saying that "The E. and R. Church, however, interprets the adoption of these interpretations as not binding it or the United Church of Christ to any traditional polity for the present or the future". Fundamentally the Basis of Union was unacceptable to Congregationalists. But the E & R leaders refused to consider writing and submitting a new document. Hence the C.C. leaders tried to patch up the Basis of Union to guarantee that it would be "Congregational". Obviously the E & R Church was not accepting this. But the C.C. leaders went right on assuring Congregationalists that the union would be "Congregational".

October, 1948. "Anti-Merger" Group was formed. Three bulletins were published under this heading, and then the group changed its name, on January 14, 1949, to "The Committee for The Continuation of Congregational Christian Churches in the United States". The Evanston Meeting had disbanded at the time of the Oberlin Council in June. The Continuation Committee henceforth carried on the struggle to get issues clarified and to preserve the Congregational witness of freedom.

February, 1949. A special meeting of the General Council of Congregational Christian Churches was held when the Committee of Fifteen had failed to get the seventy-five percent vote. Even with two extensions of time in voting, and with pressure of "Interpretations", the merger had failed ac-

ording to its own terms. Officials claimed a total of more than seventy-three percent, but no list was ever published by which churches could see whether they were properly recorded. The special session held February 9th and 10th set up a number of hours of debate on whether or not to proceed, and then voted to go ahead without the seventy-five percent approval, which the Churches had clearly understood was necessary.

April, 1949. Cadman Church in Brooklyn, New York, brought a lawsuit against the General Council, seeking declaratory judgment and permanent injunction against consummation of the merger. On January 26th, 1950, Justice Meier Steinbrink, Kings County Supreme Court of New York, wrote a sweeping decision against the plan of union and followed this with an injunction against its consummation. Among other things he said that the Basis of Union was a "conglomeration of confusion and conflicting statements with a cacophony of ideas." Only the General Council was defendant in the trial and no Evangelical and Reformed persons testified as to the meaning of the Basis of Union. The Basis of Union was portrayed by officials as entirely "Congregational" and the witnesses in the trial denied that there would ever be an over-all constitution for the United Church of Christ, claiming that the Interpretations had made it clear that the constitution would be for the General Synod only.

1950. The General Council meeting at Cleveland, Ohio, acting while under injunction of the Cadman lawsuit, voted to set up a "Committee on Free Church Polity and Unity" to make a thorough study of the Congregational Christian denomination and its relation to possible union efforts. This Committee was appointed by the Executive Committee of the General Council and consisted of twenty-one members, all but five of whom were pro-merger. The Committee worked during a four-year period and made an exhaustive study of the Congregational Christian set-up, disagreeing in notable respects with the testimony made in the Cadman trial as to the independence of the Boards and of the General Council. The Committee reiterated many of the basic principles of Congregationalism and found that there had not been any significant modification in recent years of these basic principles.

April, 1952. New York Courts, Appellate Division, reversed the Cadman decision on the grounds that the plaintiff church had no interest in the property of the General Council or the boards, and also that the national boards had not been made parties to the suit. The court specifically

stated that without a property interest the Court could not go into merger questions; that it had not passed upon any of the ecclesiastical questions, or matters of church "polity" involved in the Basis of Union. The General Council in its defense had claimed that no church was a member of the General Council or had any interest in it or its funds; and the lawyers had also claimed that the Boards were entirely independent and that no Congregationalists had any interests in them. The Court threw the case out only on these grounds.

1952. The General Council, meeting at Claremont, California, two months after the Appellate Division had reversed the Cadman case, voted its desire to go ahead with the union but also stated its desire to have a Constitution prepared before the union would take place. In line with testimony presented to the Cadman courts, it referred to this constitution as a Constitution for "the General Synod of the United Church of Christ".

December, 1953. The New York Court of Appeals, highest court in the state, upheld the decision of the Appellate Division and also wrote an opinion in which it suggested that the Basis of Union was "voluntary" and that union depended upon "voluntary action freely taken by independent, autonomous churches". It also said that there would be "no abridgement of Congregational usage through fellowship of churches" in voluntary Conferences and Associations. These statements, made in the Opinion, were not incorporated in any judgment from the New York Court of Appeals. They are unenforceable, and therefore cannot be relied upon, especially since the later Constitution departed in many ways from the representations made to the courts in the Cadman case. The New York Court of Appeals made the Judgment of the Appellate Division its own final Judgment in the case. This Judgment still contained the definite words that the Court had not considered any of the ecclesiastical questions or matters of polity. The obvious contradiction between the Opinion of the New York Court of Appeals and the Appellate Court Judgment which it adopted as its own has led to considerable argument as to whether there has been any adjudication of basic issues in this Cadman case.

January-June, 1954. Several published statements appeared, and several meetings were held between E & R leaders and C.C., in which it was made clear that the Evangelical and Reformed Church did not like the representations that were made in the Cadman case, and that they would not proceed with a union along the lines there described. Specifically the President of the Evangelical and Reformed Church,

Dr. James E. Wagner, took exception to the idea of the constitution being one for the General Synod only and insisted that the union was to be a complete union and not just a union "of the top". This was diametrically opposed to the testimony on which the New York Court of Appeals had based its description of the probable union, and it was contrary to the original authorization (1942) of the General Council itself.

June, 1954. Executive Committee presented the General Council no new requests with regard to the union, even though its members knew that some new approach would be needed, or that the union would have to be dropped. The Council, even after objections from the E & R leaders, voted again its approval of the Claremont resolution of two years previously. The Polity Committee made its Report; but before the delegates received this Report they were handed copies of the General Council law firm's criticism of the Report. Letters received by the Executive Committee from the law firm had made it clear that the Report brought in findings contrary to the representations which the law firm had used in court, and therefore the law firm warned the General Council that it should not approve the Report.

(In Congregationalism it has long been understood that the General Council had no authority to adopt policy-making statements for the denomination, and that all resolutions carried only "the weight of wisdom that in them lies". Hence the Polity Committee had said that it was not asking the Council to approve its Report.)

Dr. Douglas Horton also made a surprise move in requesting the General Council to appoint a Committee or Commission to "write a constitution for the fellowship". He claimed that the request for this had come from many sources; but obviously this was the moot question in regard to the merger and his was an adroit way to try to circumvent the chief obstacle to the union. Through amendment this proposal was changed so that a Commission was appointed to study the constitutional problem as it related to the fellowship, but with tacit understanding that the Commission could go ahead with writing a constitution if, after its study, this seemed in keeping with Congregationalism.

October 12-13, 1954. The joint Executive Committees of the O.C. and E & R Churches met to discuss the merger situation. Dr. James E. Wagner, President of the E & R Church, made a Preliminary Statement in which he set forth clearly

the issues that stood in the way. For a day and a half the joint committees discussed the proposal in an air of complete pessimism and individually felt that they had reached an impasse. Then,--and without reference to any of the preceding discussion,--a committee on "findings", which had met by itself and had ignored the problems being faced, came in with a resolution stating that "God calls us to Mission and to Unity". Suddenly ignoring all of the realistic problems, the Executive Committee voted the resolution of this Findings Committee (headed by Dr. Ben Herbster) and immediately prepared to force its decision upon the fellowship. Dr. Herbster was reported later as having asked why we should let "little things" stand in the way of what "we" want to do!

1954-1956. Having kept the General Council from facing the real issues, and having reserved to itself the critical acts of decision-making, the Executive Committee now turned to the "Madison Avenue technique" to put its decision across with the churches. The Office of Communications had been set up in June of 1954 to handle "publicity", and this was now made the propaganda bureau responsible for getting out "letters missive" and other literature every two weeks, to be mailed to a large number of laymen within all the local churches. Records show two hundred to two hundred and fifty thousand dollars a year spent by this "Office of Communications". Names of church clerks and other officials had been withdrawn from the national yearbook so that opposition groups would have no help in reaching anyone but the minister in each church.

November 9-10, 1955. The National Association of Congregational Christian Churches was organized on a "dual" standing basis. Over a hundred churches, without giving up membership in their other Associations and Conferences, organized this national body for fellowship of churches not wishing to join the United Church. Similarly an independent missionary society had been formed a few months previously. Officials had hoped that churches would have "no place else to go". They lashed out bitterly against the formation of this group, intent upon preserving a national fellowship of Congregational Christian Churches in case the merger went through as planned.

June, 1956. The Omaha General Council meeting approved carefully prepared "procedures" for effecting a union of the General Council only with the Evangelical and Reformed Church, through a uniting General Synod in June of 1957. Here was the pretense of a lop-sided union proposition in which only

the General Council of the C.C. Churches would be uniting with the entire denomination of the E & R Church. But it was assumed that all other parts of the fellowship of Congregational Christian Churches would have to follow suit, especially since the denominational Boards (\$90,000,000 worth) were controlled by the General Council.

Just prior to the 1956 General Council, the Continuation Committee sent the Executive Committee a request for clarification of the rights of non-assentors. Known as a Declaration of Rights, these were first carefully re-worded by the Executive Committee in a long consultation with its attorneys. Then after presentation for adoption in their self-serving and weasel-worded form, they were suddenly withdrawn and opposed by the Executive Committee. Rumor at the time had it that a telephone call to Dr. James E. Wagner, President of the E & R Church, elicited the fact that he opposed any such Declaration of Rights as being a new set of "Interpretations".

June, 1957. Lawsuit brought by 4 churches and 10 individuals against the Congregational Christian General Council, the C.C. Boards, the E & R Church, and eventually against the United Church of Christ, seeking declaratory judgments as to the nature of the United Church of Christ and its departure from Congregational principles. This suit did not ever come to a trial "on the merits" but was delayed by a host of procedural motions. Finally it was thrown out on a motion to dismiss, on the grounds that all of the issues had already been settled in the Cadman case. (The Cadman case, as we saw, was thrown out for lack of property interest and the issues had not been settled there) This suit had been filed in the U.S. District Court.

June, 1957. Uniting General Synod of the United Church of Christ was held as scheduled. It voted to unite the C.C. General Council with the whole denomination of the E. and R. Church. Plans were made to prepare a Constitution for the United Church (not just for the General Synod as promised to the New York courts).

1959. Second General Synod of the United Church was held and discussed a proposed Constitution paragraph by paragraph, frequently amending the wording to meet objections of individual delegates. This kind of procedure had never taken place in the Congregational Christian General Council with regard to the Basis of Union.

