

Lamar in his opinion as expressing the view of the Constitution which he and Mr. Chief Justice Fuller did not accept; and they may fairly be taken as the view of the Constitution which was affirmed by the majority of the Supreme Court.

The general executive power attributed by The Outlook to the President, and affirmed by the Supreme Court in the case *In re Neagle*, has been not less explicitly affirmed by that Court in other cases. One of them is described by a correspondent, Mr. Wayne C. Williams, on another page; other analogous decisions are referred to by another correspondent, whose letter did not reach us in time to print with the other letters on pages 789-792. He writes:

"From the earliest time the Supreme Court has recognized the wide discretionary authority lodged in the Executive to carry out the governmental functions intrusted to such executive department, even though there be no express enactment of Congress authorizing Executive action. The doctrine was thus laid down during the time of Marshall, in *United States vs. McDaniel*, 7 Pet., 1, 14:

"A practical knowledge of the action of any one of the great departments of the Government must convince every person that the head of a department, in the distribution of its duties and responsibilities, is often compelled to exercise his discretion. He is limited in the exercise of his powers by the law; *but it does not follow that he must show a statutory provision for everything he does. No government could be administered on such principles.* To attempt to regulate by law the minute movements of every part of the complicated machinery of government would evince a most unpardonable ignorance on the subject. Whilst the great outlines of its movements may be marked out and limitations imposed on the exercise of its powers, there are numberless things which must be done that can neither be anticipated nor defined, and which are essential to the proper action of the government. Hence, of necessity, usages have been established in every department of the Government which have become a kind of common law and regulate the rights and duties of those who act within their respective limits.

"This doctrine has been followed by the Supreme Court in a variety of cases in which it has recognized and enforced rights and liabilities arising out of Executive action not authorized by specific statute. Such are the cases of *Benson vs. Henkel*, 198 U. S., 1, 11-12, and the very recent

case of *Haas vs. Henkel*, 216 U. S., 462, 480-481."

In The Outlook for May 14 (page 56) we affirmed that the clause in the Constitution declaring that "the executive power shall be vested in a President of the United States" confers upon him "the executive power ordinarily recognized as belonging to the executive department in a constitutional government," and that therefore "we are to look in history to find what his powers *are*; we are to look in the Constitution to find what powers are denied him." We think that we have demonstrated that this view is abundantly supported, not only by political writers like James Bryce, historians like John Fiske, and Constitutional writers like Professor F. J. Stimson, but also by explicit and repeated decisions of the Supreme Court. The student who desires to see and consider the whole argument should compare the editorials on this subject in the issues of May 14, June 4, and July 2 (pages 56, 246, and 464) with this editorial.



CAN THE CHURCH BE UNITED?

"To promote Christian unity at home and throughout the world," twelve clergymen and twelve laymen of the Protestant Episcopal Church have formed an incorporated body known as the Christian Unity Foundation. Such men as Bishop Doane, Bishop Greer, Mr. Robert Fulton Cutting, Admiral Goodrich, Mr. William Jay Schieffelin—to select names from the list of incorporators virtually at random—are accustomed to dealing with problems in a practical way. Their appearance as incorporators gives assurance that the aims of the new Foundation will be pursued with the patience that comes of preparation for real difficulties.

This is furthermore indicated by the express purpose—stated in the Articles of Incorporation: "To gather and disseminate accurate information relative to the faith and works of all Christian bodies; to set forth the great danger of our unhappy divisions and the waste of spiritual energy due thereto; to devise and suggest practical methods of co-operation, substituting comity for rivalry in the propagation of the common faith; to bring together all who are

laboring in the same field, and this in the belief that full knowledge of one another will emphasize our actual membership in the one body of Christ and our common agreement in the essentials of faith." The end to be attained is furthermore thus stated: "That, finally, by the operation of the Spirit of God, the various Christian bodies may be knit together in more evident unity in the essentials of faith and practice and in one organic life."

The establishment of this incorporated body is one of the many indications that the minds of the people of the churches are becoming more and more intent upon union. Here and there in the United States efforts in this direction have been made with a large measure of success. The reunion of the Cumberland Presbyterian Church with its parent body, the Presbyterian Church, is one of these. The plan, now quiescent, if not abandoned, of uniting the Congregational, the United Brethren, and the Methodist Protestant Churches in a single denomination was another. Progress has been made in bringing Northern and Southern Methodists together. Northern and Southern Baptists have already virtually healed their former breach.

In Canada a similar movement on behalf of union, but much more extensive, has for some years been under way. There the purpose is to unite in one body, with a common creed and a common organization, the Congregational, Presbyterian, and Methodist Churches. The process has been slow, but it has been continuous. The plan has already been drawn up and has been approved by certain bodies. Only recently the Congregational churches cast a vote of eighty-two per cent in favor of it; and the Presbyterian Assembly has approved it by a large majority, though it cannot take final action for two years.

Most significant of all has been the establishment of the Federal Council of the Churches of Christ in America. This organization is really a federation of almost all the principal Protestant denominations in the United States. It comprises, we believe, a large majority of the Protestant churches. It has supplanted no denomination, it has drawn up no new creed, it has set forth no common ritual,

it has substituted for the present church organizations no new organization, nor has it caused one organization to be absorbed by another. It has simply done for the Protestant Churches of America what the Confederation did for the American colonies—it has bound them together, it has enabled them to work in unison.

There are two conceptions of church union. For want of better terms, we may distinguish them respectively as organic and federal. According to the one conception, the future Church Universal is pictured as a great unified organism. There will be, according to this conception, no Roman Catholic Church, no Greek Catholic Church, no Episcopal, Methodist, Presbyterian, Congregational Church; there will be one single Church of which all Christians will be members. Divisions there possibly may be within that Church, but they will be simply such organic divisions as are found in an army. According to the other conception, the future Church Universal will be a great complex federated body. The distinction between Roman and Greek, between Episcopal, Congregational, and Presbyterian, may remain. Creeds will express a variation in thought between bodies of Christians much like the unexpressed variation that must always exist between the beliefs of individuals. But in matters calling for co-operation, in activities which require of the Church the union of forces, in all that pertains to the Church as a whole, there will be a federal organism.

The Canadian movement is an expression of the former conception. So is the newly established Christian Unity Foundation. Of the latter conception, there have been several expressions in the various State Federations of Churches and in the Maine Interdenominational Comity Commission; but of this conception the chief expression is the Federal Council of Churches.

Every honest and sensible endeavor to reduce "our unhappy divisions and the waste of spiritual energy due thereto" is to be welcomed. Naturally, those who have the organic conception of Church union will seek to reduce the number of denominations, either through the amalgamation of two or more denominations so

as to produce a new body or by the absorption of one denomination into another. On the other hand, those who have the federal conception of Church union will seek not so much a reduction in the number of denominations as the creation of such federal relations between existing denominations that they will act as a unit in all matters of common concern.

There is ample opportunity for service on the part alike of those who have the one conception and of those who have the other. It is, for example, little short of ludicrous that the division between the Methodists of the South and those of the North which was created by the issue of slavery should still continue a generation after that issue has been settled; and it is highly desirable that in trying to solve the problems left by slavery Americans within the Church as well as without should do away with sectional divisions. The erasure of denominational lines is thus something more than a distant ideal; it is in many instances an immediate desideratum. Even in such instances, however, complete erasure cannot always be expected. A small recalcitrant element can, as in the case of the Cumberland Presbyterian Church, maintain existence as a separatist body. Customs, traditions, the place-holder's disinclination to sacrifice his office, even the impediments of the law—these and other obstacles must be overcome with every attempt at the dissolution or rearrangement of established bodies.

When we turn, however, to the efforts for church union on the basis of federation, we find no such difficulties. Already, as we have pointed out, the great majority of Protestant Churches in the United States have given visible expression of Church union by the creation of the Federal Council, and that Council, convened for the first time only a year and a half ago, is already proving that these federated churches can act as one. What this Council has done in dealing with the great social and industrial questions of the times *The Outlook* has reported. The Commission on the Church and Social Service, which is a department of this federal organization, has expressed the conscience of the churches regarding wages, hours of labor, and rest days. It has also made an investigation of condi-

tions in a specific community—the Bethlehem Steel Works. Now the Federal Council, through its Committee on Home Missions in joint action with a special Committee of the Home Missions Council, has made a report on conditions of church work in Colorado. As a result of investigation, the Joint Committee recommends to the Mission Boards that their officers arrange to allot unoccupied territory so that each Board shall feel especial responsibility for given fields, and to decline mission aid for places where religious work is now, and promises to continue to be, adequately done. Thus on that very side of church activity where sectarian divisions have been most obvious and most hurtful, the Protestant Churches have given proof of unity through federation.

These instances of united action indicate only a primitive form of federal union. Nothing more could be expected within nineteen months; but, primitive though it is, it is real. The American States, when they were first federated, were as truly a Nation as they are to-day. They were a weak Nation, an immature Nation, but a Nation nevertheless. To-day the Federal Council demonstrates the fact not only that Church union is practicable but also that it has been achieved.



THE SPECTATOR

The Spectator is strongly of the opinion that so many sins have been laid at the door of the Tower of Babel and left there that some reparation is due that much-maligned structure. In our haste to condemn we forget what enormous profit has come from the generous bestowal of the gift of tongues. Was it not Heine who said that if the Romans had been compelled to learn their own language they would have had no time to conquer the world? Years ago Colonel Higginson wrote a charming essay on an old Latin text-book; but he was not thinking of the introduction to Livy; it would have taxed even his skill to say smooth things about that tormenting piece of uncompromising condensation. No one can read it, however, without feeling that, if the Roman boys were obliged to master it, they must have found in it some of the athletic fiber which carried them to the ends of the