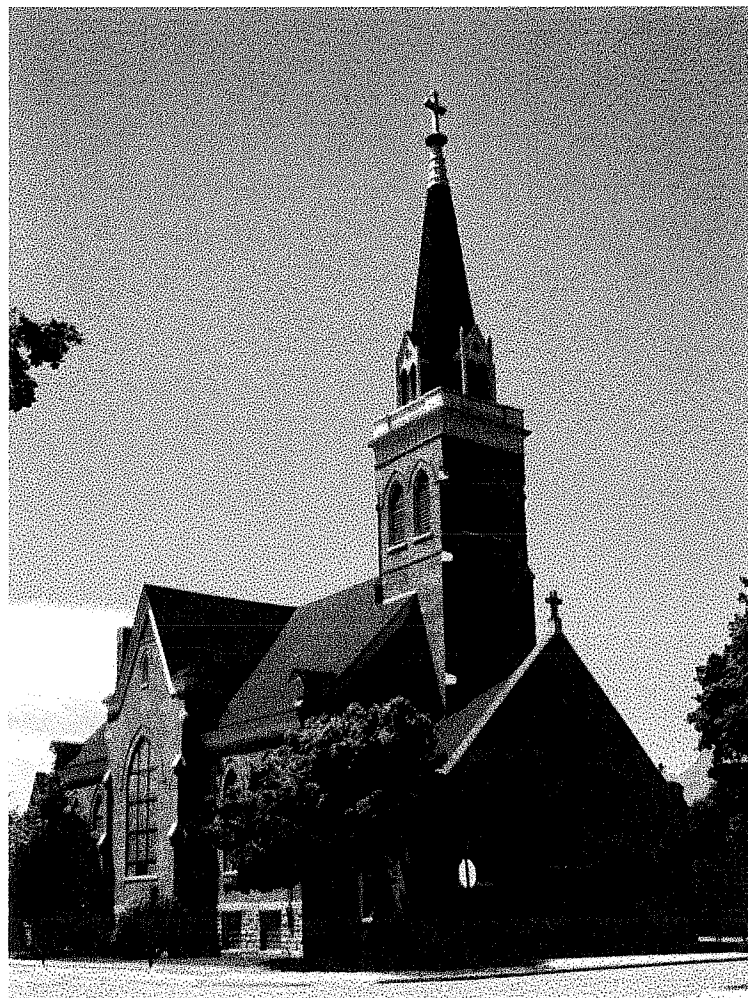


# Trinity Evangelical Lutheran Church

## The Struggle of 1928-1931



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Churches rarely ever make the main headlines of the newspaper. History has shown that when a church does make the headlines it usually isn't good news. So it was with the case in Marinette, Wisconsin, on Thursday March 27, 1930. The Marinette Eagle-Star carried the headline, "Minister Loses Court Decision." This paper will detail the events leading up to this court decision and the reasons that the minister was even in court. It will also recount some of the history following the case.

On January 2, 1883, a group of believers gathered together in Marinette to form a congregation. They called themselves the German Evangelical Lutheran Trinity Congregation. After nine years, again in January, the congregation voted on a motion to join the synod. "A motion was made and seconded and voted on that the congregation would on June 1, 1892, join the Synod."<sup>1</sup> This decision would have a great impact on the ruling of the courts later on in the history of this congregation.

The minister who lost the court case according to the newspaper was Reverend Herman Charles Westphal. Pastor Westphal graduated from Concordia Seminary in St. Louis, Missouri and was ordained in 1896. It was not uncommon at that time to have graduates from the Missouri Synod schools serve at Wisconsin Synod congregations since both synods were in fellowship. He served congregations in Latimer, Iowa; Chester, Pennsylvania; Willow Lake and North St. Paul, Minnesota; Stevensville, Michigan, and Florence, Wisconsin. Three of these congregations he served for only one year. Then in 1915 was called to serve at Trinity congregation in Marinette.

Pastor Westphal had talents in both Hebrew and music. "[Pastor Westphal] was a keen student of linguistics and for years took an intense interest in the Hebrew language,

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<sup>1</sup> Congregational minutes from Trinity Lutheran Church

the language of the Old Testament.”<sup>2</sup> He was an excellent violinist and had played with the St. Louis Symphony Orchestra.

What was the problem at Trinity in Marinette? It appears that may personality may have had something to do with it. The personality of Pastor Westphal is unknown. There is no one to attest to it and no information recorded. From some who remembered when Pastor Westphal served as Pastor at Trinity the feeling is that there were personality conflicts between some members and the Pastor. One person remembers that there were problems possibly with money, but this information is only speculation based on the memories of some who are still members of the congregation. There was a second theory as to what was happening in the congregation. The second theory is that there were two factions in the congregation. One group followed the Pastor and the other group followed the Principal of the school. It was reported that a petition was passed around the congregation to dismiss Pastor Westphal but the petition was destroyed. There was also a slander suit against a member which was settled out of court. A teacher in the school ended up resigning because of the settlement. Neither one of these theories can be proved by facts at the present time.

↔ No matter what the reason the truth was that there were two factions in the congregation. One group was pro-Westphal and one group was anti-Westphal. It was only a matter of time until the friction between the two groups reached a breaking point. That breaking point came in 1928. Some members who were against Pastor Westphal decided to ask for help from the District President August F. Zich. “Immediately after the Synodical meeting of the year 1928 ended in June members of this congregation came to me and complained about the conditions in the congregation. They asked me at the

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<sup>2</sup> Marinette Eagle-Star Saturday May 18, 1941

same time, to be present at their congregational meeting on the first of July, which I promised.”<sup>3</sup> Pastor Zich agreed to be there to help until a few days later. “Days after that another delegation came from Marinette with the plea to me, not to come to the July 1 meeting—it would only be worse. So I did not go to this meeting.”<sup>4</sup> How this second group, which is assumed to be the pro-Westphal group, convinced the District President not to attend is unclear. One would think that given the circumstances he might want to attend.

The meeting was held on July 1, 1928, as planned. The District President was not in attendance. At this meeting three members of the congregation were declared not to be members of the congregation any longer. The members were R.J. Bormann, Herman Hartwig and Gustav Lambrecht. These men seem to be the leaders of the anti-Westphal group. According to the report of President Zich a small majority voted these men out. It seems that the vote which was to be taken that day was to withdraw from the Wisconsin Synod and join the Ohio Synod. These men were excluded from the vote because they would not vote to leave the Wisconsin Synod. President Zich spoke with Pastor Westphal and asked if the men were actually excommunicated and if so, whether or not the excommunications were carried out according to Matthew 18. President Zich reported that he did not receive a satisfactory answer to his question. The three men who were removed from church membership at this meeting probably were members of the church council.

The pro-Westphal group held another meeting on October 8, 1928. President Zich knew about the meeting and asked Pastor Westphal if he could attend. President Zich also wanted to be accompanied by the circuit pastor, Theodore Doehler. Pastor

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<sup>3</sup> Northern Wisconsin District Proceedings, pg. 51.

Westphal and his followers would not allow the two of them to attend. President Zich and Visitor Doehler attempted to attend anyway. The outcome of this attempt was not good and led to the most famous story about these happenings. “We, the Synod officials, went anyway to this meeting, but we were met with force, so that we, the officials and the excommunicated, were held out of the meeting, with the result that it came to a fist fight.” R.J. Borman testified that the events occurred like this: “When the time came to go into the meeting, the faction that opposed the pastor started forward, only to be opposed by four members of the pastor’s faction, who stood abreast, forming a human chain, and denying admittance. Blows were struck. Mr. Borman continued, with G.A. Lambrecht, an ousted member, going down in the melee.”<sup>5</sup> President Zich also reported that there was a fistfight. The reason these men wanted to attend this meeting is because the congregation was once again voting to withdraw from the Wisconsin Synod and join the Ohio Synod. The minutes of that meeting recorded, “On account of the unnecessary dissensions fostered by one-sided synodical officials, the congregation decided to withdraw from the Wisconsin Synod; Reverend Westphal following the congregation; only two voted against it.”<sup>6</sup> The constitution of the church stated that a unanimous vote was needed to withdraw from the Synod. The police arrived and an officer told Mr. Borman that some members were not to be allowed into the meeting.

President Zich, Visitor Doehler and many other members of Trinity who were denied entrance to the meeting that day gave up trying to enter. They found a meeting hall nearby and gathered there to discuss what to do about the situation. President Zich reported, “We assembled ourselves now with some 100 members of the congregation in a

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<sup>4</sup> *ibid*

<sup>5</sup> *Marinette Eagle-Star* October 29, 1929

<sup>6</sup> *Marinette Eagle-Star* March 27, 1930

hall and proceeded to a temporary organization of these people, whom we must consider as the legitimate Trinity congregation at Marinette, and cared for their temporary service, there we could no longer recognize Pastor Westphal as Seelsorger of this congregation. On this particular day we declared Pastor Westphal as having left the Synod with the supposed basis of his violation the Synodical office.”<sup>7</sup> The key here is that this group was recognized as the legitimate Trinity congregation. Of course both sides from this time will consider themselves the legitimate congregation.

This group headed by President Zich now appealed to the courts of Marinette County. Since they had been refused the right to worship and assemble at their property they felt they needed the courts to allow them to do that. Reconciliation like the Bible urges was not happening so the courts were called in. On October 26, 1928 attorneys representing both sides of the case met before Judge Grass of Green Bay. The court impounded the congregational books. Both treasurers had to turn over money belonging to the congregation into the hands of the court. There were two treasurers because when the pro-Westphal faction took over they appointed a whole new church council. Reverend Westphal was allowed to conduct Sunday morning services in the church building. A second minister who would be appointed by the District President would hold religious services in the church building on Sunday afternoon. All these rulings would stay this way until the final ruling of the court on the matter.

The work of the Lord continued this way for a number of years. The listing of churches in the Marinette Eagle-Star on January 11, 1930 looked like this:

Trinity Lutheran Church  
Wisconsin Synod.  
Cor. Colfax and Thomas Sts.

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<sup>7</sup> Proceedings of the Northern Wisconsin District, 1931

A. Dasler, Pastor.  
Hattie Borman, organist.  
First Sunday after Epiphany. Luke 2, 41-52  
English Service at 2 p.m.  
Every Saturday morning at 8 o'clock, instruction is given.  
Every Sunday at 10:15 a.m., Sunday School and instruction.

Trinity Lutheran Church  
Cor. Colfax and Thomas Sts.  
Rev. H.C. Westphal, Pastor.  
Miss Marie Westphal, Organist.  
9:00-Sunday School, All children should be present.  
10:00-Divine service in English.  
Text: Mt. 2, 1-12. Theme: Three stars for earthly wanderers.  
The choir will sing at tomorrow morning's service.

The trial finally began on October 28, 1929 a year after the complaints were filed with the court. Judge Henry Grass from Green Bay was again presiding and the trial was held at the Marinette County Court House. The Plaintiffs in the case were R.J. Borman, O.H. Weissberger, Herman Hartwig, Ernest Seefeldt, Carl Rettke, Louis Kopischke, Gust Krenz, Frank Strutz, William Krutz and G.A. Lambrecht. The defendants were Rev. H.C. Westphal, Carl Schilawski, William A. Tippler, Otto Shewe, Fred Barofsky, Jacob Ehlen, and William J. Krueger. In the official record the defendants declared themselves to be the officers and board members of the Trinity Lutheran Church of Marinette, Wisconsin.<sup>8</sup>

Testimony was heard from both sides concerning the events that were previously recorded in this paper. The main focus of the trial quickly shifted from those events to the differences between the Wisconsin and the Ohio Synod. Pastor Westphal had himself applied for membership into and been accepted by the Ohio Synod on June 20<sup>th</sup>, 1929.

The Ohio Synod and the Wisconsin Synod had been members together of the Synodical Conference. The Synodical conference was formed in 1872. In a confessional



paragraph agreed on by both sides they said, “The Synodical Conference acknowledges its adherence to the canonical Scriptures of the Old and New Testaments as God’s Word, and to the symbolical books of the Evangelical Lutheran Church constituting the Book of Concord of 1580 as its own.”<sup>9</sup> Ohio’s membership in the Synodical Conference was short-lived. Because they had drifted from Biblical and thus Synodical Conference teaching on the doctrine of election they <sup>voted</sup> ~~took a vote~~ to withdraw from the Synodical Conference. In September of 1881 ~~that vote passed and they left~~. Fellowship between the two Synods ended.

In 1929 those differences between the two synods became extremely important for members on both sides of the rift in Marinette. The plaintiffs testified that there were differences in interpretation of the Biblical passages about election and what the Formula of Concord has to say on election. The defendants brought in two Ohio Synod pastors to testify. The Marinette Eagle-Star reported, “[The two pastors] acknowledged the difference in the fundamental faiths of the synodical conference and the Ohio Synod, but contending that the disparity between these beliefs has been lessened by time. Chiefly among the younger ministers who are inclined to the theory that probably the ‘hair-splitting’ differences are not so essential as to keep the two groups apart.”<sup>10</sup> Unfortunately they did not realize that those “hair-splitting” differences were actually the difference between Biblical doctrine and false doctrine.

This trial was not a quiet affair. Articles about the trial occurred approximately three times in the local paper. The newspaper records that the “crowd availed itself of

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<sup>8</sup> Judgments of the Marinette County Court, cataloged at the UW-Green Bay Library Archives.

<sup>9</sup> Lutheranism In America Class notes, Wisconsin Lutheran Seminary, pg. 47

<sup>10</sup> Marinette Eagle-Star October 29, 1929

every seat and space, overflowing into the corridor.”<sup>11</sup> This trial had a big impact on the community, the perception of the church and of the Wisconsin Synod in the community and the members themselves.

Finally on Wednesday March 26, 1930, the decision of the court was handed down. Up to this time both factions of the congregation were meeting at different times in the same building and the pastor was living in the parsonage next to the church. Judge Henry Grass ruled in favor of the plaintiffs. Reverend Westphal and his group lost the case. “It is adjudged that the Rev. H.C. Westphal be and is hereby restrained and enjoined from in any manner making any use whatever of the said church property or any part thereof, and will vacate within five days from after the service of a copy of this judgment upon him any property of which he may have possession and return upon demand to the officers of Trinity Lutheran Church, who were such upon October 8, 1928, all records, books, proceedings, minutes and property, including keys to the building, which he may have in his possession.”<sup>12</sup>

What made the judge rule in favor of one group over the other? It was synod membership. The group that founded the congregation had committed itself to the Wisconsin Synod. The judge also used the church constitution. He explained, “That the constitution of the Lutheran Church expressly provides that only pastors of a recognized or admitted Synod should ever be called to said Lutheran Church or serve therein.”<sup>13</sup> The Wisconsin Synod, after Ohio left the Synodical Conference, no longer recognized Ohio as a legitimate Synod. Therefore once Pastor Westphal joined the Ohio Synod he gave up his right to be the Pastor at Trinity Lutheran Church. The meeting that voted to join

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<sup>11</sup> *ibid.*

<sup>12</sup> Judgments of the Marinette County Court, cataloged at the UW-Green Bay Library Archives.

<sup>13</sup> *ibid.*

was ruled as illegal because members were not allowed to exercise their right to vote under the church constitution. All decisions that took place at the meeting of October 8, 1928, were ruled as illegal and null. Even members that were taken into the congregation after October 8, 1928 had their membership revoked by the court until they could be accepted by a legitimate ruling body in the congregation.

The conflict was over. The court had made the decisions that the congregation couldn't. The hard feelings would last for years. The image of Trinity Lutheran Church was smeared. At least eighty members were gone. There were effects that would last for a long time. This is not where the history ends. It was a sad ending but one that finally ended in a satisfactory way.

Pastor Westphal was allowed to stay in the parsonage for longer than the court originally ruled. In the building of Trinity Lutheran Church a new congregation was being formed. On May 20, 1931 Pastor Westphal and his group held a meeting. They called themselves Trinity Lutheran Church. These are the resolutions of their meeting:

“Whereas, it seems impossible after the history of the past years to bring about a peaceful and satisfactory reconciliation with those members of Trinity Lutheran Congregation who have separated themselves from us;

And whereas, the future welfare of this congregation demands an expression of our willingness to continue as an independent congregation;

Therefore be it resolved that Trinity Lutheran Congregation, here represented by eighty-five (85) voting members, continue its separate existence.

Resolved that Trinity Lutheran Congregation, here represented by eighty-five (85) voting members of said Trinity Lutheran Congregation desire to retain the services of the Rev. H.C. Westphal as their Pastor.”<sup>14</sup>

In a meeting on June 8, 1931, the group voted to buy their own land and build their own church building. They also voted to follow the ways of the Ohio Synod and join the

American Lutheran Church. First Trinity Lutheran Church was formed several blocks away from their brethren Trinity Lutheran Church. Obviously the name was chosen to make a statement.

Reverend Westphal served the members of First Trinity until June 16, 1940. Ill health forced him to resign. In October of 1940, still in ill health he announced his intention to rejoin the Wisconsin Synod. He wrote a letter of apology to Trinity and asked for their forgiveness. The congregation forgave him. He was reinstated in the Wisconsin Synod in February of 1941 and became a member at Christ in Menominee, Michigan, which is 2 miles or so across the river from Marinette. Pastor Westphal died on May 9, 1941.

First Trinity remained in the American Lutheran Church until approximately 1969. They were upset about the way the ALC viewed Scripture and their concessions to the historical-critical method of interpretation. They remained independent until April 7, 1974 when they applied for membership into the Evangelical Lutheran Synod and were accepted.

Thanks be to God that through the worst examples of brotherly love he could bring about a return to fellowship and right doctrine. A group that left sound biblical teaching was brought back by the Lord to stand up for the inerrancy of Scripture and to the common goal along with their brothers and sisters at Trinity Lutheran Church to preach the gospel.

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<sup>14</sup> Minutes from First Trinity Lutheran Church, Marinette

## Bibliography

1. Articles from the Marinette Eagle-Star: Oct. 29, 1929; March 27, 1930; Jan. 11, 1930; May 10, 1941.
2. Marinette County Courthouse Decisions. Volumes located at the University of Wisconsin Green Bay at the area research center.
3. Minutes from First Trinity Lutheran Church, Marinette.
4. Minutes from Trinity Lutheran Church, Marinette.
5. Northern Wisconsin District Proceedings, 1930.

