

**Evidence of Errors in
The Lutheran Church—Missouri Synod**



**Association of Confessing Evangelical
Lutheran Congregations**

VII. Unbiblical Removal of Pastors from their Calls

**December 21, 2010
Updated June 15, 2012**

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Note: This document is one of several ACELC documents on evidence of errors in the LCMS. As the documents are completed they will be posted to the ACELC web site at <http://www.acelc.net/>. Topics include:

- Pure Doctrine
- Holy Communion
- The Divine Service and Liturgical Offices
- Unionism and Syncretism
- Service of Women in the Church
- The Office of the Holy Ministry
- The Unbiblical Removal of Pastors from their Calls
- The Church’s Mission and Her Evangelistic Task
- Ecclesiastical Supervision
- Dispute Resolution

Additional topics may be added as needed. If you have a comment, question, or concern, please contact the ACELC (<http://www.acelc.net>). Your input will be seriously considered.

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The references from the Lutheran Confessions include some words or passages from the German 1580 or Latin 1584 edition, these are set apart with < >.

Record of Document Updates

Version	Changes/Additions	Date
December 21, 2010	Original Document	December 21, 2010
June 15, 2012	Page 4, third bullet. Inserted verbiage to emphasize that the authority to extend a Call has been given by Christ to His Church. This cannot be overridden by an Ecclesiastical Supervisor. Change authorized at Business Meeting Feb 09, 2012, Lincoln, Nebraska.	June 15, 2012

A Fraternal Admonition to Correct the Errors of Our Beloved Lutheran Church–Missouri Synod

Preamble

"And they continued steadfastly in the Apostles' doctrine and fellowship in the breaking of bread and in the prayers." Acts 2:42

C.F.W. Walther, (first President of the LCMS), wrote:

"A fellowship in which the Word of God is fundamentally falsified, or in which a fundamental falsification of it is tolerated, is not a true orthodox church, but a false, heterodox church or sect."

(Essays For the Church Vol I, "Communion Fellowship," Concordia Publishing House, 1992, p.207)

Presented in this document are concerns over variant teachings and practices by some pastors, congregations, and institutions of the Lutheran Church – Missouri Synod. These errors have largely been ignored and even tolerated by those elected for the supervision of doctrine and practice in our fellowship. Even the Synod itself in convention has adopted resolutions that violate our fidelity as a synod to Holy Scripture and our Lutheran Confessions.

Many attempts have been made to address and correct these errors. Numerous pastors, laity, congregations, respected doctors of the Church, circuits, district pastoral conferences, even sister synods and their pastoral conferences have taken public issue with these errors and the recent "positions" the LCMS has taken in its past conventions, but to no avail. Districts also have sought redress of these errors through resolutions and overtures to the Synod in Convention only to have them never come to the convention floor for consideration.

In addition, various publications and organizations have attempted to address the adoption of worship forms, texts, and ceremonies that come from alien and errant confessions - as to whether this may be done without also adopting their error. Church history and the inseparable correlation between doctrine and practice teach us that how we pray and worship is in fact our faith, our belief, and our confession (*Lex orandi, lex credendi*).

At stake is the very doctrine upon which the Church stands or falls - the genuine confession of justification by grace alone through faith alone for the sake of Christ's death and resurrection alone. As the Lutheran Confessions state, "this article of justification by faith is the chief article of the entire Christian doctrine." [SD III, 6] When this chief article is at stake so also is the evangelical mission of the Church in our midst, and likewise the ongoing presence of the marks of the Church, and thus the LCMS as a light of the true Gospel of Christ.

Therefore we are compelled out of faithfulness to Holy Scripture and our Lutheran Confessions (to which The Lutheran Church – Missouri Synod claims fidelity) to seek Biblical reproof and correction of these errors. Our cause is to offer a fraternal critique of our teaching and practice, and to call our much loved Missouri Synod, her pastors, congregations, and institutions to repentance and back to what she has previously claimed as her source and norm of faith and life – Holy Scripture and its correct exposition, the Book of Concord of 1580.

In this process we seek not to contend over the trivial, nor matters merely of denominational custom or tradition, but over those matters that challenge our very fidelity to the changeless faith that was once for all delivered to the saints (Jude 3). It is our intent to hold the LCMS to the Scripturally faithful teaching of the Book of Concord as catholic teaching and not simply something that we, as Lutherans, believe. Thus, when we speak of theological "positions" and the "position of synod," this should be understood as nothing less than what the Athanasian Creed calls "the catholic (or universally held) faith."

It is our sincere prayer that the LCMS would give serious and fraternal consideration to the words here given according to their benevolent intention. Our mission/purpose is to restore what has been compromised – that is a fellowship of unabashed confessional Lutheran congregations in North America and throughout the world for the sake of our children and grandchildren – and yes, for the life of the world. *May God the Holy Spirit, through the Word of Law and Gospel, call, gather, enlighten and sanctify the Church gathered within the Missouri Synod!*

(Please note: All evidence for the existence of error is only illustrative, not exhaustive.)

VII. Unbiblical Removal of Pastors from their Calls:

- **Holy Scripture and the Lutheran Confessions teach that a called pastor must be found guilty of persistently holding to false doctrine, falling into gross moral failure, or unwilling and/or unable to complete the duties of his office in order to be biblically removed from his call. Today there have been many LCMS congregations which have “fired” their pastors for no biblical cause. We reject the toleration of this error.**
 - **Holy Scripture and the Lutheran Confessions call for proper due process (I Timothy 5:17-22) for any pastor whose congregation is seeking his deposal. Today some LCMS congregations have deposed their pastor without this due process, claiming that their pastor is an “at will employee.” We reject the toleration of this error.**
 - **Holy Scripture and our Lutheran Confessions declare that authority to extend the Call to a pastor has been given by Christ to His Church. Furthermore, they indicate the local congregation in its confession of the one true faith is the full embodiment of the Church in that place. Therefore, if a local congregation in consideration of the fraternal counsel of its synodical brethren in Christ desires to extend the call to a pastor in concord with the faith they confess in their fellowship, there is no greater authority by which they may be overruled. Today some LCMS district presidents have wrongfully exercised their offices by refusing to provide information on qualified pastoral candidates, or even by arbitrarily removing names from a call list without citing Scriptural reasons for either action. We reject these errors.**
 - **Holy Scripture and the Lutheran Confessions call on all Christians to deal with sin in accord with Matthew 18:15-17. Today some LCMS district presidents and/or their circuit counselors have interfered in the ministry of a properly called pastor by talking with members and hearing complaints without the pastor present and/or without the pastor’s knowledge. We reject this error.**
 - **Holy Scripture and the Lutheran Confessions teach that no call to serve as a pastor should be temporary (that is, limited by time). Today the practice of issuing “temporary calls” is well established within the LCMS. We reject this error.**
- A. Original Position** - From its inception the LCMS has held the orthodox faith of the Lutheran Confessions that is so clearly expressed in Article XIV (Order in the Church) of the Augsburg Confession, that “...no one should publicly teach in the Church, or administer the Sacraments, without a rightly ordered call;” and Article V: “So that we may obtain this faith, the ministry of teaching the Gospel and administering the Sacraments was instituted.”
- Additionally, The Lutheran Church—Missouri Synod has held to the doctrine of the divine call:
- That the office of pastor is essential to a congregation in retaining its status as part of the Church (God’s people gathered around Word and Sacrament publicly taught and administered by a called pastor).
 - That divine calls are not time limited by terms or contracts, but are ended only by the death of the pastor, the retirement of the pastor, or the acceptance of another call by the pastor.

- That the divinity of a call is the response by God to the prayers of the saints seeking His divine selection of the pastor of His choosing from among those being considered by a congregation.
- That the removal of a pastor from his office for cause is limited to the following reasons: 1) persistent adherence to false doctrine; 2) a scandalous life; and 3) willful neglect of the duties of the office, or inability to perform those duties.

Dr. Robert Preus, a staunch defender of Missouri's historic position on the Divine Call, observed the following regarding the essential connection between doctrine and practice:

“According to the Lutheran Confessions theology and practice are a complete and inextricable unity. ... In respect to any and all articles of faith, if the doctrine, practice or worship is errant or not in joint, all will be errant and out of joint.” [“The Doctrine of the Call in the Confessions and Lutheran Orthodoxy,” in *Church and Ministry Today: Three Confessional Lutheran Essays*, John A. Maxfield, editor (St. Louis: The Luther Academy, 2001)].

With those thoughts before us, we turn to the witness of Scripture, the Lutheran Confessions, and the history of the Synod regarding these matters of Unbiblical Removal of Pastors from their Calls and such anomalies as “temporary calls.”

1. The Witness of Holy Scripture:

Deuteronomy 19:15-21

¹⁵ “A single witness shall not suffice against a person for any crime or for any wrong in connection with any offense that he has committed. Only on the evidence of two witnesses or of three witnesses shall a charge be established. ¹⁶ If a malicious witness arises to accuse a person of wrongdoing, ¹⁷ then both parties to the dispute shall appear before the LORD, before the priests and the judges who are in office in those days. ¹⁸ The judges shall inquire diligently, and if the witness is a false witness and has accused his brother falsely, ¹⁹ then you shall do to him as he had meant to do to his brother. So you shall purge the evil from your midst. ²⁰ And the rest shall hear and fear, and shall never again commit any such evil among you. ²¹ Your eye shall not pity. It shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.

Matthew 7:15

¹⁵ Beware of false prophets, who come to you in sheep’s clothing but inwardly are ravenous wolves.

Luke 1:70

⁷⁰ ...as he spoke by the mouth of his holy prophets from of old...

Acts 14:21-23

²¹ When they had preached the gospel to that city and had made many disciples, they returned to Lystra and to Iconium and to Antioch, ²² strengthening the souls of the disciples, encouraging them to continue in the faith, and saying that through many tribulations we must enter the kingdom of God. ²³ And when they had appointed elders for them in every church, with prayer and fasting they committed them to the Lord in whom they had believed.

Acts 20:28

²⁰ Pay careful attention to yourselves and to all the flock, in which the Holy Spirit has made you overseers, to care for the church of God, which he obtained with his own blood.

Romans 10:14-15

¹⁴ How then will they call on him in whom they have not believed? And how are they to believe in him of whom they have never heard? And how are they to hear without someone preaching? ¹⁵ And how are they to preach unless they are sent? As it is written, "How beautiful are the feet of those who preach the good news!"

I Corinthians 3:5-9

⁵ What then is Apollos? What is Paul? Servants through whom you believed, as the Lord assigned to each. ⁶ I planted, Apollos watered, but God gave the growth. ⁷ So neither he who plants nor he who waters is anything, but only God who gives the growth. ⁸ He who plants and he who waters are one, and each will receive his wages according to his labor. ⁹ For we are God's fellow workers. You are God's field, God's building.

I Corinthians 4:1-2

¹ This is how one should regard us, as servants of Christ and stewards of the mysteries of God. ² Moreover, it is required of stewards that they be found trustworthy.

I Corinthians 9:14

the Lord commanded that those who proclaim the gospel should get their living by the gospel.

I Corinthians 12:28

²⁸ And God has appointed in the church first apostles, second prophets, third teachers, then miracles, then gifts of healing, helping, administrating, and various kinds of tongues.

II Corinthians 5:20

⁵ Therefore, we are ambassadors for Christ, God making his appeal through us. We implore you on behalf of Christ, be reconciled to God.

Galatians 1:8-10

⁸ But even if we or an angel from heaven should preach to you a gospel contrary to the one we preached to you, let him be accursed. ⁹ As we have said before, so now I say again: If anyone is preaching to you a gospel contrary to the one you received, let him be accursed. ¹⁰ For am I now seeking the approval of man, or of God? Or am I trying to please man? If I were still trying to please man, I would not be a servant of Christ.

Ephesians 4:11-15

¹¹ And he gave the apostles, the prophets, the evangelists, the shepherds and teachers, ¹² to equip the saints for the work of ministry, for building up the body of Christ, ¹³ until we all attain to the unity of the faith and of the knowledge of the Son of God, to mature manhood, to the measure of the stature of the fullness of Christ, ¹⁴ so that we may no longer be children, tossed to and fro by the waves and carried about by every wind of doctrine, by human cunning, by craftiness in deceitful schemes. ¹⁵ Rather, speaking the truth in love, we are to grow up in every way into him who is the head, into Christ...

I Timothy 1:8-11

⁸ Now we know that the law is good, if one uses it lawfully, ⁹ understanding this, that the law is not laid down for the just but for the lawless and disobedient, for the ungodly and sinners, for the unholy and profane, for those who strike their fathers and mothers, for

murderers,¹⁰ the sexually immoral, men who practice homosexuality, enslavers, liars, perjurers, and whatever else is contrary to sound doctrine,¹¹ in accordance with the gospel of the glory of the blessed God with which I have been entrusted.

I Timothy 3:1-7

¹ The saying is trustworthy: If anyone aspires to the office of overseer, he desires a noble task. ² Therefore an overseer must be above reproach, the husband of one wife, sober-minded, self-controlled, respectable, hospitable, able to teach,³ not a drunkard, not violent but gentle, not quarrelsome, not a lover of money. ⁴ He must manage his own household well, with all dignity keeping his children submissive,⁵ for if someone does not know how to manage his own household, how will he care for God's church? ⁶ He must not be a recent convert, or he may become puffed up with conceit and fall into the condemnation of the devil. ⁷ Moreover, he must be well thought of by outsiders, so that he may not fall into disgrace, into a snare of the devil.

I Timothy 4:12-16

¹² Let no one despise you for your youth, but set the believers an example in speech, in conduct, in love, in faith, in purity. ¹³ Until I come, devote yourself to the public reading of Scripture, to exhortation, to teaching. ¹⁴ Do not neglect the gift you have, which was given you by prophecy when the council of elders laid their hands on you. ¹⁵ Practice these things, immerse yourself in them, so that all may see your progress. ¹⁶ Keep a close watch on yourself and on the teaching. Persist in this, for by so doing you will save both yourself and your hearers.

I Timothy 5:17-22

¹⁷ Let the elders who rule well be considered worthy of double honor, especially those who labor in preaching and teaching. ¹⁸ For the Scripture says, "You shall not muzzle an ox when it treads out the grain," and, "The laborer deserves his wages." ¹⁹ Do not admit a charge against an elder except on the evidence of two or three witnesses. ²⁰ As for those who persist in sin, rebuke them in the presence of all, so that the rest may stand in fear. ²¹ In the presence of God and of Christ Jesus and of the elect angels I charge you to keep these rules without prejudging, doing nothing from partiality. ²² Do not be hasty in the laying on of hands, nor take part in the sins of others; keep yourself pure.

II Timothy 1:6-11

⁶ For this reason I remind you to fan into flame the gift of God, which is in you through the laying on of my hands,⁷ for God gave us a spirit not of fear but of power and love and self-control.

⁸ Therefore do not be ashamed of the testimony about our Lord, nor of me his prisoner, but share in suffering for the gospel by the power of God,⁹ who saved us and called us to a holy calling, not because of our works but because of his own purpose and grace, which he gave us in Christ Jesus before the ages began,¹⁰ and which now has been manifested through the appearing of our Savior Christ Jesus, who abolished death and brought life and immortality to light through the gospel,¹¹ for which I was appointed a preacher and apostle and teacher...

II Timothy 1:13-14

¹³ Follow the pattern of the sound words that you have heard from me, in the faith and love that are in Christ Jesus. ¹⁴ By the Holy Spirit who dwells within us, guard the good deposit entrusted to you.

II Timothy 2:2

² what you have heard from me in the presence of many witnesses entrust to faithful men who will be able to teach others also.

II Timothy 4:5

⁵ As for you, always be sober-minded, endure suffering, do the work of an evangelist, fulfill your ministry.

Titus 1:5-9

⁵ This is why I left you in Crete, so that you might put what remained into order, and appoint elders in every town as I directed you— ⁶ if anyone is above reproach, the husband of one wife, and his children are believers and not open to the charge of debauchery or insubordination. ⁷ For an overseer, as God's steward, must be above reproach. He must not be arrogant or quick-tempered or a drunkard or violent or greedy for gain, ⁸ but hospitable, a lover of good, self-controlled, upright, holy, and disciplined. ⁹ He must hold firm to the trustworthy word as taught, so that he may be able to give instruction in sound doctrine and also to rebuke those who contradict it.

Hebrews 1:1

¹ Long ago, at many times and in many ways, God spoke to our fathers by the prophets,

Hebrews 13:17

¹⁷ Obey your leaders and submit to them, for they are keeping watch over your souls, as those who will have to give an account. Let them do this with joy and not with groaning, for that would be of no advantage to you.

1 Peter 5:1-4

¹ So I exhort the elders among you, as a fellow elder and a witness of the sufferings of Christ, as well as a partaker in the glory that is going to be revealed: ² shepherd the flock of God that is among you, exercising oversight, not under compulsion, but willingly, as God would have you; not for shameful gain, but eagerly; ³ not domineering over those in your charge, but being examples to the flock. ⁴ And when the chief Shepherd appears, you will receive the unfading crown of glory.

II John 10-11

¹⁰ If anyone comes to you and does not bring this teaching, do not receive him into your house or give him any greeting, ¹¹ for whoever greets him takes part in his wicked works.

2. The Witness of the Lutheran Confessions:

Preface to the Christian Book of Concord 21

[I]n our lands, dominions, schools, and churches no other doctrine should be proclaimed and accurately set forth except that which is founded upon God's Word and contained in the Augsburg Confession and the Apology (when properly understood in its genuine sense). Opinions conflicting with these are not allowed.

Augsburg Confession, Article V (The Ministry) 1-2

¹ So that we may obtain this faith, the ministry of teaching the Gospel and administering the Sacraments was instituted. ² Through the Word and Sacraments, as through instruments, the Holy Spirit is given [John 20:22].

Apology, Article VII (The Church) 28

According to the Scriptures, we hold that the Church, properly called, is the congregation of the saints who truly believe Christ's Gospel and have the Holy Spirit. We confess that in

this life many hypocrites and wicked people are mixed in with these. They have fellowship in outward signs, are members of the Church according to this fellowship of outward signs, and so hold offices in the Church (preach, administer the Sacraments, and bear the title and name of Christians). However, the fact that the Sacraments are administered by the unworthy does not detract from the Sacraments' power. Because the call of the Church, the unworthy still represent the person of Christ and do not represent their own persons, as Christ testifies, "The one who hears you hears Me" (Luke 10:16). (Even Judas was sent to preach.) When they offer God's Word, when they offer the Sacraments, they offer them in the stead and place of Christ.

Augsburg Confession, Article XIV (Order in the Church)

Our churches teach that no one should publicly teach in the Church, or administer the Sacraments, without a rightly ordered call.

Augsburg Confession, Article XXVIII (20-28)

²⁰ Therefore, when a question arises about the bishops' jurisdiction, civil authority must be distinguished from the Church's jurisdiction. ²¹ Again, the only authority that belongs to the bishops is what they have according to the Gospel, or by divine right, as they say. For they have been given the ministry of the Word and Sacraments. They have no other authority according to the Gospel than the authority to forgive sins, to judge doctrine, to reject doctrines contrary to the Gospel, and to exclude from the communion of the Church wicked people, whose wickedness is known. They cannot exclude people with human force, but simply by the Word. ²² According to this Gospel authority, as a matter of necessity, by divine right, congregations must obey them, for Luke 10:16 says, "The one who hears you hears Me." ²³ But when they teach or establish anything against the Gospel, then the congregations are forbidden by God's command to obey them. Beware of false prophets. (Matthew 7:15) ²⁴ But even if we or an angel from heaven should preach to you a Gospel contrary to the one we preached to you, let him be accursed. (Galatians 1:8) ²⁵ For we cannot do anything against the truth, but only for the truth ... ²⁶ the authority that the Lord has given me for building up, and not for tearing down. (2 Corinthians 13:8–10) ²⁷The Canonical Laws also command this (II. Q. VII. Cap., Sacerdotes, and Cap. Oves) ²⁸And Augustine writes: Neither must we submit to catholic bishops if they chance to err, or hold anything contrary to the canonical Scriptures of God. (Contra Petilianum Epistolam)

Apology, Article XIV (Order in the Church) 24-27

²⁴ In Article XIV, we say that no one should administer the Word and Sacraments unless he is rightly called. ...²⁵ [W]e have often testified in this assembly that it is our greatest desire to keep Church orders and ranks, even though they have been made by human authority. ... ²⁶ In this matter our consciences are not in danger. Since we know that our Confession is true, godly, and catholic, we should not approve the cruelty of those who persecute this doctrine. ²⁷ We know that the Church is among those who teach God's Word rightly and administer the Sacraments rightly. The Church it is not with those who try hard to wipe out God's Word by their orders and also put to death those who teach what is right and true.

Apology, Article XIIB (VI)

We also keep Confession, especially because of the Absolution. Absolution is God's Word which, by divine authority, the Power of the Keys pronounces upon individuals. ^{3 [100]} Therefore, it would be wicked to remove private Absolution from the Church. ^{4 [101]} If

anyone despises private Absolution, he does not understand what the forgiveness of sins or the Power of the Keys is. ^{5 [102]} Regarding the complete listing of offenses in Confession, we have said above that we hold that it is not necessary by divine right. ^{6 [103]} Some object to this, saying that a judge should investigate a case before he rules on it, which has nothing to do with this subject. The ministry of Absolution is favor or grace; it is not a legal process or law. ^{7 [104]} Ministers in the Church have the command to forgive sin. They do not have the command to investigate secret sins. ^{8 [105]} Indeed, they absolve us from those sins that we do not remember. For that reason Absolution, which is the voice of the Gospel forgiving sins and comforting consciences, does not require judicial examination.

Apology, Article XXII (Both Kinds in the Lord’s Supper) 15

The Church does not allow itself to change Christ’s ordinances into unimportant matters.

The Power and Primacy of the Pope (Refutation of Roman Arguments) 24

In addition, it must be recognized that the Keys belong not to the person of one particular man, but to the Church. Many most clear and firm arguments show this. For Christ, speaking about the Keys, adds, for example, “If two of you agree on earth” (Matthew 18:19). Therefore, He grants the Keys first and directly to the Church. This is why it is first the Church that has the right of calling. For just as the promise of the Gospel belongs certainly and immediately to the entire Church, so the Keys belong immediately to the entire Church, because the Keys are nothing else than the office whereby this promise is communicated to everyone who desires it, just as it is actually manifest that the Church has the power to ordain ministers of the Church.

Power and Primacy of the Pope (The Power and Jurisdiction of Bishops) 65-67

⁶⁵ Since the grades of bishop and pastor are not different by divine authority, it is clear that ordination administered by a pastor in his own church is valid by divine law.

⁶⁶ Therefore, when the regular bishops become enemies of the Church or are unwilling to administer ordination, the churches retain their own right [to ordain their own ministers].

⁶⁷ Wherever the Church is, there is the authority to administer the Gospel. Therefore, it is necessary for the Church to retain the authority to call, elect, and ordain ministers. This authority is a gift that in reality is given to the Church.

3. The Witness of the History of The Lutheran Church—Missouri Synod:

The history of the LCMS confirms that Augsburg Confession Article V (The Ministry) leads us to conclude that the “Call” originates from God’s institution when it says, “God instituted the office of the ministry” [BOC, Tappert Ed., p. 31]; and Augsburg Confession, Article XIV (Order in the Church) legitimatizes the “Call” as being from the God ordained authority given to extend it when it says, “Our churches teach that no one should publicly teach in the Church, or administer the Sacraments, without a rightly ordered call.” Equipped with these twin truths from its point of origin, LCMS theologians have set forth various public documents which confirm the Synod’s historic position.

In February 2003, the Commission on Theology and Church Relations (CTCR) of the LCMS published a study document titled: Theology and Practice of “the Divine Call.” Two minority opinions came forth independently from two members of the CTCR. One of them, signed by Kurt Marquart and Walter Lehenbauer (dated April 29, 2003), stated the following regarding the Synod’s historical understanding of the Call, especially as it relates to the idea of “temporary calls.”

1992 Resolution 3-09A mandating the study of the Call expressly stated that this was to be done “utilizing the writings of C.F.W. Walther (i.e., his book *Church and Ministry* and essay ‘The Congregation’s Rights [sic] to Choose Its Pastor’” (1992 *Proceedings*, 116). The intent clearly was to take seriously the balanced, historic, orthodox Lutheran consensus on church and ministry, for the clear exposition and defense of which Walther is rightly famous. The CTCR’s document fails to do justice to standard Lutheranism’s rejection of “temporary calls,” as the following citations clearly show. (Our translations; boldface added).

C.F.W. Walther, *Church and Ministry*, trans. J. T. Mueller (St Louis: Concordia Publishing House, 1987), 311.

Kromayer: “The minister may not be engaged by those who call him through a contract for certain years or with the reservation to dismiss the freely called person. **God nowhere has granted or permitted those who call the right to make such a contract. Hence, neither the one calling nor the one who is called may regard such a call or dismissal as divine**” (*Theologia positivo-polemica*, part II, p. 530).

C.F.W. Walther, *Amerikanisch-Lutherische Pastoraltheologie* [*American-Lutheran Pastoral Theology*], 4th ed., 1897, 41-45, *passim*.

Especially here in America there exists in many congregations the custom that preachers are called only *temporarily* (for a time), that is, either with the proviso that they may be dismissed at will, or that they are called only for a certain term, perhaps for one or several years, or “until notice,” so that they must resign within a fixed time from the day of the notice; even if all this [includes] the possibility of being elected again for a new fixed term. **However, neither is a congregation entitled to issue such a call, nor is a preacher authorized to accept it. Such a call is before God neither valid nor legitimate. It is an abuse [Unsitte]. It conflicts in the first place with the divinity, clearly certified in God’s Word, of a true call into a preaching office in the church (Acts 20:28; Eph. 4:11; I Cor. 12:28; Ps. 68:12; Is. 41:27).** For if God is actually the One Who calls preachers, then the congregations are only the instruments for the selection of the persons for the work to which the Lord has called them (Acts 13:2). Once this has happened, the preacher stands in God’s service and office, and no creature can then deprive His servant of his office or dismiss him, unless it can be proved that God Himself deprived him of his office and dismissed him (Jer. 15:19, cf. Hos. 4:6), in which case the congregation does not really depose or dismiss the preacher, but only executes the manifest deposal or dismissal by God. If the congregation does that nonetheless, then it, the instrument, makes itself the mistress of the office (Mt. 23:8, cf. II Tim. 4:2, 3), and interferes with God’s rule and administration, whether [such congregation] makes arbitrary decisions about this already before or during the call, or whether it presumes to do so afterwards. But the preacher who gives a congregation the right to call him in this way, and to dismiss him at will, thereby makes himself a hireling, a servant of men. **Such a call is not at all that which God has ordained in respect of the holy office of preaching, but is an entirely different matter, which hasn’t got anything to do with it. For it is no mediate call through the church, but a human contract; it is no life’s calling, but a passing function outside the divine order; an**

ecclesiastical, thus a human order, or rather an abominable disorder made contrary to the order of God. It is therefore, as stated before, without any validity, null and void, and one so called is not to be regarded as a servant of Christ and of the church. Such a call conflicts also, secondly, with the relationship in which congregation and preacher are to stand towards each other according to God's Word. It conflicts firstly with the *honour* and the *obedience*, which the hearers are to show the administrators of the divine office of preaching according to God's Word (Lk. 10:16; I Tim. 5:17; I Thess. 5:12, 13; I Cor. 16:15; Heb. 13:17); for if the hearers really had that alleged plenitude of power, then it would be fully within their power to withdraw themselves from the divinely required observance of that honour and of that obedience. No less is every sort of a merely temporary call also contrary to the *faithfulness* and *constancy* until death which God requires of preachers (I Pet. 5:1-4; I Tim. 4:16; I Cor. 4:1 ff.) and contrary as well to the *accounting*, which the preacher as guardian over souls will one day have to render (Heb. 13:17). Finally a temporary call is contrary both to the *practice* which the Lord commanded the apostles, and which they observed, according to which they, namely God's Spirit through them, not the hearers, had to determine how long they would and should remain with a congregation (Lk. 9:4, 5), and also contrary to the *practice of the church* in those times when corruption in doctrine, life, order, and discipline had not set in. That, incidentally, with the existence of that sort of call the church can nevermore be rightly cared for or governed, or the right discipline be practiced, or the church be rightly grounded in the faith and in pious ways, and be propagated, requires no proof; **such a call opens gates and doors to all disorder, confusion, and all mischief through gainsayers and through men-pleasing and men-fearing belly-servers.** . . . Finally, Ludwig Hartmann writes: "Here belongs also that controversial question, whether someone may consent to render his service or official work to the church *for certain years*. We say no:

1. Because such a calling impertinently prescribes to *God*, Who calls, a certain time, after the lapse of which he will depart from that church, no matter how it might behave; as it is not the place of a legate to prescribe to his lord how long he is to represent him.
2. Because *fleshly counsels* are at hand, which ought to be far away; for such an one thinks that if things don't turn out according to his heart's desire, if no treasures are to be gathered or many adversities to be endured, then he will easily disentangle himself from these labyrinths.
3. For the sake of many *disadvantages*: for if the faithfulness of a pastor were very pleasing to the church, she would suddenly be robbed of it; also because through such frequent changes the property of the church is much diminished, as is well known.

If one now asks further, whether it is permitted to *call* a servant of the Word *under the definite condition of how long*, so that when the patron no longer wishes to hear or tolerate the pastor, he must leave and wander to some other place? then I answer: We are servants of God and this office is God's, to which we are called by God, albeit through men; this holy work must there-

fore be handled in a sacred way, but not according to human arbitrariness. **A shepherd and cowherd people may hire for a time, and when their service no longer pleases, they may at a definite time, but not always, dismiss them, if they wish: but so to treat a shepherd of souls is not within the power of any man. Nor may the servant of the Word himself accept the holy office in such a way, unless he wants to become a hireling.** Certainly those who would be thus called would not fulfill the office diligently and faithfully, but would become flatterers and say which pleases people, or they must constantly expect their service to be terminated" (*Pastorale evang.*, 104). . .

J. P. Beyer, "*Vom Beruf zum Amt der Kirchendiener*," LCMS Eastern District *Proceedings*, (1889) 36-37.

This temporary calling is a shameful perversion of the order which Christ Himself has created in the church. Nowhere is it revealed as the will of God that preachers and teachers should be so engaged that it depends on the good will and the decision of the others whether they may remain in their office or not. In the most ancient church one therefore finds not a trace of such temporary employment. This vice arose only at the time of the Reformation, when some congregations misused the doctrine of the spiritual priesthood. [Luther strongly objected]. . .

As a result of this decided opposition to the excesses of congregations, we hear no more of such attempts in the Lutheran church for a long time. Only at the time of the Interim, 1547-'52, several south-German imperial cities began again to call their preachers for a certain number of years, and retained the contract system, even though the emergency was ended by the Passau Treaty in 1552. An Opinion of the Wittenberg Faculty in respect of a school-cantor, from the year 1638, reads: "The calls to church and schools services, in which one is to give the other a quarter year's notice without any other weighty cause, are entirely disapproved in our Lutheran churches" (*Consil. theol. Witeb* III, 55). . . As a result of such forceful testimonies against it, the temporary call disappeared again from Germany, but arose again about 200 years later in America. But also here the Saxons, who had immigrated 50 years ago, raised their voice against it, and showed the limits of congregational rights in call-matters, and maintained what we still teach today: A congregation has no right to call or dismiss a preacher or teacher by contract.

P. F. Koehneke, "The Call into the Holy Ministry," in *The Abiding Word* (St. Louis: Concordia Publishing House, 1946) 1:380.

From the beginning our Synod had to take a definite stand on this question. Among the conditions of membership in Synod the following is listed [in the Constitution]: "Regular (not temporary) call of the pastor." Chapter V, paragraph 11, we find this statement: "Licenses to preach which are customary in this country are not granted by Synod because they are contrary to Scripture and the practice of the Church". . . This has been the consistent practice of our Synod since that time and has been stated again and again in official papers presented at conventions and in our periodicals.

Robert D. Preus, “The Doctrine of the Call in the Confessions and Lutheran Orthodoxy,” in *Church and Ministry Today*, ed. John A. Maxfield (Crestwood, MO.: Luther Academy, 2001), 33.

The call is always permanent. The notion of a temporary call is inconceivable in the nature of the case, and therefore the matter is not even considered by Luther or the Confessions or any Lutheran theologian. The function of the ministerial office, Calov asserts, is to work for the church as a servant (diaconus), not as a lord, to do the work of an evangelist to the grave, to guard and be an example to the flock, an angel of God’s revelation of His Word. One never quits such a calling. As the immediate call in apostolic times was for life (until God Himself called the person to a new place), so it is with the mediate call. It is permanent **and irrevocable, unless God Himself intervenes.**

Although not quoted by Marquart and Lehenbauer, Dr. Robert D. Preus goes on in this same resource.

The call is God’s call. It is to the ministry of Word and Sacrament.... Therefore, as long as God endures in the ministry His minister who teaches correctly and lives blamelessly, the church does not have the authority to remove someone else’s servant....Therefore, there are two reasons for which God removes unfaithful ministers from their office:

- (1) Because of doctrine, when they teach error...
- (2) Because of life, when they act in such a way that the name of the Lord is blasphemed...

A third reason for removal from the call and ministry, namely a total inability to function due to total lack of courage (Gerhard wrote during the Thirty Year’s War) or physical or mental collapse, is added in a footnote...

Gerhard goes on to say, “If anyone without due legal process and for causes which are not legitimate and sufficient (e.g. the overzealous condemnation of the vices of men, or hatred, or insignificant mistakes) is put out of office, then the one who takes his place is not to be regarded as the true, legitimate and called minister.”

B. Position Advocated and/or Practiced Today -

According to the above historic testimony, there are but three biblical grounds for deposing a pastor:

1. false doctrine;
2. immoral life; or
3. inability to fulfill the duties of the office.

The 2003 CTCR Study Report on “the Divine Call” lists five reasons:

1. Teaching false doctrine
2. Offensive conduct or scandalous life
3. Deliberate unfaithfulness in the performance of official duties
4. Neglect of, or inability to perform, official duties
5. Domineering in office.

The report also admits: It is possible to argue that points 3, 4, and 5 may in fact be sub points under 2. Unfortunately, today, a fair number of pastors of the LCMS (including some who have subsequently left the Synod) have been unbiblically removed from their office because

they have kept their ordination vows to: "...perform the duties of your office in accordance with these Confessions, and that all your preaching and teaching and your administration of the Sacraments will be in conformity with Holy Scripture and with these Confessions..."
(*Lutheran Service Book Agenda*, p. 166)

Some illegitimate depositions or controlling of call lists have occurred with the cooperation and active participation of District Presidents who have circumvented due process, biblical instruction, congregational constitutions, and churchly ethics to assist in such unbiblical actions. Here are a few typical examples of how these aberrations in the call process or handling of conflicts within congregations occur.

- 1) Ministers are deposed and put out of the holy ministry or restricted without cause from being called. This aberration in practice which in fact denies the doctrine of Augsburg XIV (Order in the Church) occurs in a multiplicity of ways.
 - a. Congregations for no given cause fire pastors without any due process.
 - b. The congregation deposes the pastor and without cause and due process, claiming that the pastor is "an employee at will" and the congregation is autonomous. This position is refuted by the doctrine of our Confessions and dogmaticians that it is not the congregation in isolation which calls, but the *tota ecclesia*. And the call is not a human contract only, but a divine call.
 - c. A district president may place a pastor who is in office or who has been deposed from office, either rightfully or wrongfully, on so-called "restricted status." If this is done prior to due process..., it is per se a violation of the minister's call according to Augsburg XIV (Order in the Church) or of his right to receive a call, and constitutes a tyrannical imposition of the lesser ban. As a matter of fact, this "ban" is often made with the condition that the pastor who is in trouble with his congregation, or who has been deposed, or the candidate who wishes to receive a call into the ministry, undergo "counseling" before he is permitted to receive a call. Any such demand or "suggestion" by a District President or Seminary which pressures the pastor or candidate to undergo "psychological evaluation" or "counseling" against his will is a violation of Augsburg XIV (Order in the Church) for three reasons.
 - i. It subjects the pastor or candidate to non-Biblical criteria for entering or remaining in the ministry,
 - ii. It deprives the pastor or candidate of due process which he is entitled to before he is restricted in any way from entering the ministry (and the congregation is wrongfully restricted from calling him).
 - iii. It violates even the secular Ethical Principles of Psychologists which in seeking and protecting the "welfare of those who seek their services" will not countenance any violation of their skills or misuse by others.

The suggestion or intimation by a District President, congregation or seminary staff that a pastor or candidate has a history of mental illness or is in need of psychological or vocational counseling or evaluation so that the person's status as a pastor or candidate is jeopardized in effect constitutes a violation of Augsburg XIV (Order in the Church) and is the kiss of death.

- 2) A District President may control the call list of a congregation. This is a clear violation of the right of the congregation, the "people," to have a decisive role in the call of the whole church, which was the concern of Luther, the Confessions and all the dogmaticians.

At this point we might point out one clear deviation in the practice of the LCMS from that of the Lutheran Church for at least the first two hundred years following the Reformation. The congregations calling were always historically urged to play a principle role in the examination of the pastor to be called. This was the practice of the Lutheran Churches in Germany and Scandinavia and was an essential part of the call process. The university had no part whatsoever in “qualifying” or “examining” the candidate. And even if a man had been a minister for years, if a congregation was thinking of calling him, he would undergo an examination, often rigorous, by the calling congregation, the local pastors, and with the Superintendent present, if possible. The idea of the congregation simply depending on the word or evaluation of the Superintendent (or the University at which the candidate studies) was unthinkable.

- 3) A District President or Visitor (Circuit Counselor) may interfere in the ministry of a pastor by talking with members and hearing complaints against him without his knowledge or presence. This action, whether purposeful or accidental is a violation of due process and of the minister’s call.

In this regard, following is from the 2007 LCMS Handbook (4.4.6 District Presidents):

“The district president, even without formal request therefore, may through the **proper channels** (emphasis added) arrange for an official visit or investigation when a controversy arises in a congregation or between two or more congregations of the district or when there is evidence of a continuing unresolved problem in doctrine or practice.”

In 2004, the Commission on Constitutional Matters (CCM) ruled that an Ecclesiastical Supervisor has the right to go into a congregation and take control of it, bypassing everyone that has any official standing in the congregation—the pastor, boards, and even the Voters' Assembly. That is, a District President can go into a parish and determine that a discontented minority is “the Church” and encourage them to set up a conventicle until their pastor can be removed.

The pertinent CCM Opinion for the above, which is binding on all in the LCMS until it is reversed, is “Question Regarding the Relationship of the Circuit Counselor to Member Congregations (04-2387),” May 20-24, 2004. The key portion of the ruling is “The Bylaws do not define the term ‘proper channels’ and thus the procedure to be used in the investigation is chosen by the District President or his representative and does not necessarily require the initial contact or meeting to be with any particular person or group.” This means that in spite of the Bylaws specifying that the District President must go through the proper channels to schedule a meeting, that term now simply means, whether we like to admit it or not, that “He may do as he pleases.”

- 4) A “temporary call” is a violation of the divinity of the call to the ministry of the Word. As demonstrated above from history, such an action is an oxymoron. Although a divine call and letter of call is indeed a legal contract, it is much more, as we have seen. A “contract call” for two or three years, an idea contemplated here and there in our Synod, is equally pernicious.

Kurt Marquart puts it well, “The so-called ‘temporary call’ must be seen for what it is: a ‘call’ with built-in dismissal on unbiblical grounds. No one can without self-contradiction say to the minister ‘God wishes you here now, but wants you gone by January 1, three years hence, unless we are pleased to keep you another three years.’ It is another matter, of course, if the position or task is itself by its very nature temporary, e.g. chaplain to an

expedition, helping out in cases of illness, etc. What is objectionable is the limitation of the 'call' without intrinsic need, simply to allow the 'calling' persons to dismiss the minister at their pleasure, without having to bother about proving ungodly doctrine or life." (*Confessional Lutheran Dogmatics: The Church and Her Fellowship, Ministry, and Governance*, p. 158, Second Printing, The International Fellowship for Lutheran Confessional Research, Fort Wayne, Indiana, 1990.)

The pastor is not "an employee at will." The length of the call is not an "adiaphoron," but the call is for life, as we have seen.

- 5) Forced retirement violates Augsburg XIV (Order in the Church). We have already discussed this issue. A minister or teacher of the church can be forced from his call only for false doctrine or ungodly life, and then only after due process, unless the sin is grossly manifest. The idea of "divine dismissal" or "divine disposal" for reasons other than false doctrine or unholy living is simply wrong-headed and wrong theology unless the dismissal or deposal is for valid Biblical reasons, in which case the discussion of the issue is superfluous.
- 6) A call to a woman to be a minister of the Word or the recognition of the "ministry" of a woman "called" into the *ministerium docendi* is a violation of Augsburg XIV in respect to both doctrine and practice. This burning issue confronts our synod directly, for neither the official leadership of our synod nor the Commission on Theology and Church Relations (CTCR) has stated clearly the simple fact that an "ordained" woman is not a minister and must not be recognized or treated as such. In this regard the pressure of pragmatism and expediency (and perhaps a proclivity for a closer level of relationship with the ELCA) has already affected our practice and will inevitably affect and change our doctrine, unless we come to grips with this issue. The prognosis for our determination or capability to do so is at this time problematic.
- 7) In spite of (or perhaps because of) "the Divine Call" CTCR Report the doctrine of the call in our synod is in a seriously fragile state of confusion and danger. Restoration of true doctrine and practice is not beyond our reach however, if the synod is willing to return to the biblical and confessional truths that so faithfully guided our forefathers for the first hundred years of the Synod's existence.

Evidence of this Error:

1. There is no question that the synod changed its doctrine on the office of the Holy Ministry. It didn't happen overnight, but the death knell was heard loud and clear when the Synod met in its 1989 convention.

1989 Wichita, KS, Resolution 3-05B (To Adopt Recommendations of Lay Worker Study Committee Report as Amended) established Distance Education Leading to Ordination (DELTO) which permitted laymen to provide Word and Sacrament ministry without a proper call or ordination to congregations of the Synod. This was a clear violation of Augsburg Confession, Article XIV (Order in the Church). Some have legitimately called this resolution the rescission of the Augsburg Confession, Article XIV (Order in the Church), and it is a serious black mark on Missouri's claim to be a confessional Lutheran church body.

2. Here is a recent aberration from the synod's historic position on the pastoral office which is being supported and promoted, without repercussions, in the St. Louis area.

Lay Pastors Ministry, Inc., 2010 International Conference, Christ Memorial Lutheran Church (LCMS), St. Louis, MO, April 23-24, 2010. (Material cited is from the downloaded brochure

available on the Christ Memorial website in the Spring of 2010, and also from the website of Lay Pastors Ministry, Inc. at <http://laypastors.com/index.html>.)

Lay Pastors Ministry, Inc., is a non-denominational organization whose founder is Dr. Melvin J. Steinbron, a Presbyterian pastor. The organization's stated goal:

"The Lay Pastors Ministry is a system of congregational care by laypeople. It is the way hundreds of Christian churches on four continents are fulfilling Christ's command to *"take care of my sheep."* Pastors alone cannot meet the needs of every member of the congregation. The Lay Pastors Ministry trains and equips lay people to provide authentic Christian care to other members of their congregation. This effective, consistent care is provided through the acrostic PACE.

P – Prayer

A – Being Available

C – Contact

E – Be an Example of "God's love with skin on"

The Lay Pastors Ministry does not take the place of the ordained clergy but works with them in providing pastoral care for members of the congregation. In 1 Peter 5:2, we are told to *"tend the flock of God, care for one another."*

On the conference schedule for the April 23-24, 2010, event at Christ Memorial are the following presenters:

- Rev. Tom Corbill, President LPMI, Pastor at St. John Lutheran Church, Stateville, NC (ELCA)
- Rev. Marcia M. Cham, Retired Pastor of the United Church of Christ, Blowing Rock, NC.
- Rev. David Clements, a Church of Christ – Disciples pastor from West Lorne, Ontario, Canada.
- Rev. Mike Walker, Senior Pastor, First United Methodist Church, Clover, SC.
- Rev. Craig Smith, District Executive, Church of the Brethren, Elizabethtown, PA.
- Jim King, Trinity Fellowship Evangelical Free Church, Big Rapids, MI.
- Dr. Don Hill, Frazier Memorial United Methodist Church, Montgomery, AL.
- Rev. Angela C. Palacios, Assistant Priest, St. Margaret's Church, Nassau Bahamas.

Administrative Pastor Bill Simmons, Christ Memorial Lutheran Church (LCMS) writes: "Certainly the need for pastoral care continues and expands. And the challenge remains to equip God's people for works of service so that *'the man of God may be thoroughly equipped for every good work'*" (2 Tim. 3:17). If you agree, I heartily encourage you to come to St. Louis and find out what good things God is doing through the lay pastoring movement..."

3. Here is an example of how a vicar was directed to violate what he had been rightly taught at the seminary.

Vicar Richard Bolland, Zion, St. Ignatius, MT (1985-1986), was directed by then Montana District President Rev. Al Pullman to "do everything except marry people" during his course of vicarage. This included conducting full preaching and Eucharistic services for the people of Zion for the entire year of his vicarage (during this time Vicar Bolland usually saw his vicarage supervisor once a month at Circuit Conferences).

4. That which pains the ACELC, and that which was instrumental in the formation of another organization, The Augustana Ministerium (TAM) in 2005, is the following two paragraphs.

We know of over 40 LCMS (or former LCMS) pastors who have been unbiblically removed from their calls or forced into resignations in order to maintain the integrity of their ordination vows. Some have resigned from the LCMS “Minister of Religion—Ordained roster” in order to continue service to their congregations which, for reasons of theological integrity found it necessary to leave the LCMS. We suspect there are many other pastors or former pastors in these categories which are unknown to us.

There are still other pastors against whom actions are currently being taken to remove them from their divine calls or against whom such actions have occurred in the past but were unsuccessful. This unbiblical removal of pastors is an on-going tragedy and a blight on our synod’s history.

C. ACELC Response:

As noted above, The Augustana Ministerium (TAM) was formed in 2005. It is a pastoral association formed to preserve and promote Lutheran pastors and a distinctively Lutheran Ministry of Word and Sacrament to Lutheran congregations. One of their primary purposes has been, and continues to be, to provide emergency relief for pastors in crisis and need. Another important and relevant role is to aid ordained pastors, who are without a call to serve in a particular place, or who are on CRM (*candidatus reverendi ministerii*, that is, candidate for the reverend ministry) status, back into ministry as pastors and teachers in the church. Since its founding, the Augustana Ministerium has helped over 23 pastors either with emergency aid or mission support to the tune of over \$90,000 dollars. Some of the pastors who have been helped have been forced out of the LCMS because they refused to violate their ordination vows. We would like to see the day when this function of the Ministerium is no longer needed.

The ACELC is grateful for the work of TAM, and many of our signatories are members or supporters of their efforts, but the real desire of the ACELC is to restore the LCMS to her former confessional commitment, and it is to that end that we have set forth this matter which deeply troubles us. Even so, we take to heart the words of Jude and together with other like minded congregations, we “contend earnestly for the faith which was once for all delivered to the saints” (Jude 1:3).