

ECCLESIASTICAL SUPERVISION & DISPUTE RESOLUTION

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Dear brothers and sisters in Christ. It is a distinct honor to address this gathering of Missouri Synod Lutherans who think so highly of Holy Scripture's pure doctrine and that doctrine's practice that you are willing to go to the trouble and expense of coming to this Convening Conference of the Association of Confessing Evangelical Lutheran Congregations here in Kearney, Missouri. People supportive of the ACELC's work come from coast-to-coast and border to border and many of them are here today to listen to some of our Synod's brightest lights and most expert theologians and pastors to talk about the errors and concerns which have sadly divided our Synod. I am humbled to be in the company of the speakers who will follow my time with you and I only pray that what I have to say is worthy of your consideration.

We gather here not for the purpose of accusing individual pastors or congregations of aberrant practice or even of holding false doctrine, but only to point out the difficulties we face and the issues which divide us so that we might rightly, Scripturally, and Confessionally address, study and seek to resolve them under the Word of God and our Lutheran Confessions. This resolution has an end in mind - that is to restore the unity that this 164 year old, venerable Synod once knew. With our founding Synodical Fathers, we wish to strive for uniformity.

If we confess that God is truth and that He cannot err, then we must also insist that such a holy and righteous God cannot reveal contradictory truth. God simply cannot participate in multiple choice doctrine, nor can He be pleased if His holy Bride, the Church, is divided into factions, contradictory practices, and political parties. As St. Paul has said:

"I appeal to you, brothers, by the name of our Lord Jesus Christ, that all of you agree, and that there be no divisions among you, but that you be united in the same mind and the same judgment.
(I Cor. 1:10, ESV)

In our Lord's high priestly prayer in the Gospel of St. John that same appeal to such unity is made crystal clear when He says:

"I do not ask for these only, but also for those who will believe in me through their word, that they may all be one, just as you, Father, are in me, and I in you, that they also may be in us, so that the world may believe that you have sent me. The glory that you have given me I have given to them, that they may be one even as we are one, I in them and you in me, that they may become perfectly one, so that the world may know that you sent me and loved them even as you loved me. (Jn. 17:20-23, ESV)

With our Lutheran Fathers as well, today we - who bear Luther's name - must confess that the Christian faith is the Lutheran faith and the Lutheran faith is the Christian faith. With the confessors of the Augsburg Confession it is precisely this unity which must be sought in the same spirit about which they spoke in the Preface:

"If the other electors, princes, and estates also submit a similar written statement of their judgments and opinions, in Latin and German, we are prepared, in obedience to Your Imperial Majesty, our most gracious Lord, to discuss with them and their associates, in so far as this can honorably be done, such practical and equitable ways as may restore unity. Thus the matters at issue between us may be presented in writing on both sides, they may be discussed amicably and charitably, our differences may be reconciled, and we may be united in one, true religion, even as we are all under one Christ and should confess and contend for Christ." (AC - Preface, 9-10, Tappert.)

This statement could easily serve as a purpose statement for the ACELC. Our concerns are completely theological, not political despite many who have chosen to read into our documents what we did not say

nor imply. Simply put we want to address error, study those errors under God's Word and our Lutheran Confessions and ultimately resolve these errors so we may be united in one, true religion. The writers of Augsburg thought no differently that the honorable men and women of the ACELC.

This cursory review of the nature of the unity of the Christian faith and the absolute necessity for that faith to be expressed with one voice, one doctrine, and (as much as is humanly possible), to practice that doctrine in unity, brings us to the first area of concern - ecclesiastical supervision.

ECCLESIASTICAL SUPERVISION

Without ecclesiastical supervision, error has its way in the Church. Until our Lord returns, there will always be error in the Church. This is true because the Church is made up of sinners - clergymen who are sinners and laity who are sinners. We tend to prove our status as sinners on a regular basis! Therefore, there must be a way to correct sinners who fall into false teaching and, therefore, sin. Broadly put, this is what ecclesiastical supervision attempts to do.

Someone really needs to do a doctoral dissertation on the history of ecclesiastical supervision beginning with the Early Church Fathers and also from the beginning of The Lutheran Church - Missouri Synod. It is a work that cries out to be done and promises much help as we study this necessary activity of Christ's Church. For our purposes today, we will limit our survey to a history of the LCMS and then only in a rather cursory way.

Such churchly supervision is necessary because the Church is comprised of sinners who do not always listen to the Word of God and prefer to say either more or less than Scripture actually says. Despite the sacred vows of ordination given before God and His people pastors are tempted to "reread" holy writ to meet their own ends, often with the best of intentions, but not always. It is precisely to this sinful reality within Christ's Church that God's Word provides copious warnings regarding false prophets, false shepherds, and false teachers. As St. Timothy writes:

"Now the Spirit expressly says that in later times some will depart from the faith by devoting themselves to deceitful spirits and teachings of demons, through the insincerity of liars whose consciences are seared," (I Tim. 4:1-2, ESV)

"Practice these things, [pure doctrine] immerse yourself in them, so that all may see your progress. 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 Tim. 4:15-16, ESV)

So also St. Peter warns:

"But false prophets also arose among the people, just as there will be false teachers among you, who will secretly bring in destructive heresies, even denying the Master who bought them, bringing upon themselves swift destruction. And many will follow their sensuality, and because of them the way of truth will be blasphemed. (II Pt. 2:1-2, ESV)

And again St. John:

"Everyone who goes on ahead and does not abide in the teaching of Christ, does not have God. Whoever abides in the teaching has both the Father and the Son. If anyone comes to you and does not bring this teaching, do not receive him into your house or give him any greeting, for whoever greets him takes part in his wicked works. (II Jn. 9-11, ESV)

Who is to make these judgments and on what basis? Do such Scripture passages (and many others like them) enjoin us to exercise ecclesiastical supervision of one kind or another?

First, a word about the fancy sounding term "ecclesiastical". In the Greek this term comes to the English rather unscathed from *ecclesia* it is a term which is frequently translated "church" or "assembly". So ecclesiastical supervision is simply "churchly supervision". The question is who is to exercise supervision in the Church? The short answer is everyone.

Second, in the proper sense the Church exists whenever the Word of God is taught in all its truth and purity and the Sacraments are administered in accord with Christ's institution. These "marks" of the Church are also her mission. This, of course, means that there must be someone who rightly teaches and administers. This person is the rightly called pastor. Wherever the Church is there will be pastor and people. It is to this truth that St. Paul writes to Titus:

"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." (Titus 1:5, ESV)

Likewise St. Luke says:

"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 14:23, ESV)

So also in Acts 20:17 we read that Paul addresses the congregations in Ephesus by calling together the elders of those congregations and saying to them:

"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. I know that after my departure fierce wolves will come in among you, not sparing the flock; and from among your own selves will arise men speaking twisted things, to draw away the disciples after them. (Acts 20:28-31, ESV)

And again St. Peter writes:

"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: shepherd the flock of God that is among you, exercising oversight, not under compulsion, but willingly, as God would have you," (1 Pt. 5:1-2b, ESV)

So it becomes very clear from Holy Scripture that the primary responsibility for pure teaching and right practice resides with the rightly called pastor of each and every congregation. This is precisely why pastors must undergo such stringent and prolonged education in preparation for entering into this divinely instituted and demanding office. The pastor must be able to rightly understand and interpret Holy Scripture, because only Holy Scripture is the source and norm of all faith and life in the congregation and in the Church at large. This is why it is critical that pastors have an understanding of the original languages so that all things can be measured rightly against the Word of God.

It is with this demanding but proper requirement of preaching and teaching rightly that the Rite of Ordination requires all pastors to take solemn vows before Almighty God and His people:

"Do you believe and confess the canonical books of the Old and New Testaments to be the inspired Word of God and the only infallible rule of faith and practice?"

R: Yes, I believe and confess the canonical Scriptures to be the inspired Word of God and the only infallible rule of faith and practice.

Do you believe and confess the three Ecumenical Creeds, namely the Apostles', the Nicene, and the Athanasian Creeds, as faithful testimonies to the truth of the Holy Scriptures, and do you reject all the errors which they condemn?

R: Yes, I believe and confess the three Ecumenical Creeds because they are in accord with the Word of God. I also reject all the errors they condemn.

Do you confess the Unaltered Augsburg Confession to be a true exposition of Holy Scripture and a correct exhibition of the doctrine of the Evangelical Lutheran Church? And do you confess that the Apology of the Augsburg Confession, the Small and Large Catechisms of Martin Luther, the

Smalcald Articles, the Treatise on the Power and Primacy of the Pope, and the Formula of Concord – are also in agreement with this one scriptural faith?

R: *Yes, I make these Confessions my own because they are in accord with the Word of God.*

Do you promise that you will 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?

R: *Yes, I promise, with the help of God.”* (The Rite of Ordination, *Agenda-Lutheran Service Book*, pp. 165-166.)

The call of a pastor/shepherd is essentially two-fold: **First he is to feed the sheep under his care.** This he does by rightly preaching and teaching only in accord with the Word of God and the Confessions. He also feeds his sheep through the rightly administered Sacraments which also must be accomplished in harmony with the Word of God and the Lutheran Confessions. **Second, it is the calling of the pastor to protect the sheep.** And what is he to protect them from? False teaching and false teachers. These twin evils divide the Church and move the congregation away from unity into disunity, away from harmony into discord. But such false teachers do not usually come to us overtly. Rather, they are covert. This is precisely why our Lord gives us warning concerning them:

“Beware of false prophets, who come to you in sheep's clothing but inwardly are ravenous wolves.” (Mt. 7:15, ESV)

Such men look good, but they are not what they seem. They sound good, but they tell you lies with just enough truth to help you swallow the lie they are selling to you. It is of such men that our Lord conclude by saying:

“Not everyone who says to me, 'Lord, Lord,' will enter the kingdom of heaven, but the one who does the will of my Father who is in heaven. On that day many will say to me, 'Lord, Lord, did we not prophesy in your name, and cast out demons in your name, and do many mighty works in your name?' And then will I declare to them, 'I never knew you; depart from me, you workers of lawlessness.’” (Mt. 7:21-23)

Ecclesiastical supervision by the pastor in the context of Christ's congregation is known as Church discipline and is a necessary check to maintain the unity of the flock.

It shouldn't be so, but sometimes pastors themselves stray from their vows and are in error. Often with the best of intentions pastors want to achieve certain goals or promote numerical growth, (for example), to such an extent that theology needs to be “adjusted” so as to enable things to be done that were not previously understood as right doctrine or faithful practice. Who, in the congregation then, is to exercise ecclesiastical supervision over the called minister of the Gospel? Answer: The laity.

Here I must be bluntly honest with you. Most heresies and aberrant practices find their way into the Church through those who occupy the pastoral office. Sometimes it is just laziness on the part of the pastor to retain and keep fresh what was learned at the seminary. Some are pressured by other pastors or their own lay people to be “more flexible”, or to “have a “wider reading” or “interpretation” of both Scripture and the Confessions that is more in keeping with whatever prevailing cultural norms may be prevalent at the time. Some just want to keep peace in their own congregations and so give in to things in which they should remain firm. Whatever the reason, false doctrine and errant practice happens among pastors.

The only corrective for error is the truth! Someone must point out the truth to the errant pastor.

In a sermon delivered by first Synodical President, C.F.W. Walther he said:

“Wherever and whenever the pure doctrine has been heard, opponents have arisen. Satan has never been able to leave the church in peaceful possession of its heavenly treasures. The church therefore has ever had to use God's Word, not only as food for the soul, but also as a

weapon in unceasing warfare against false teachers...Christ says in his sermon on the mount, where not only disciples, but also a great multitude were present, "Beware of false prophets ... Ye shall know them by their fruits." This admonition by the Son of God shows us plainly how entirely false the principle is that the preachers should teach and the hearers only listen, that the shepherds should lead and the sheep only follow, that the clergy should resolve and the congregation only acquiesce. No, when Christ calls upon his hearers to beware of false prophets and to know the true and the false by their fruits, Christ thereby seats all hearers upon the seat of judgment, placed the balance scale of truth in their hands, and bids them confidently execute judgment on their teachers." (*The Sheep Judge their Shepherds*, A Sermon by C.F.W. Walther)

To this point I have been speaking of ecclesiastical supervision in the pure sense of the term, that is within the Church proper – the pastor and his congregation. When we get beyond that realm into that of a man-made Synod or church body, then we are not speaking of the Church proper but of earthly organizations who do not so much exercise churchly supervision as they do "membership" supervision. This does not make such an endeavor of less value or less necessary, but it is different in its focus while its goal is the same: To correct error and to unite in truth under God's Word and our Confessions.

In the midst of the controversy surrounding the so-called, "Battle of the Bible" during the 1970's within our own Lutheran Church – Missouri Synod. Reverend Professor Kurt Marquart said of the laity's roll:

"And not only pastors, as the divinely appointed teachers of the church, but also the people of the Synod have a right, if not a duty, to follow the conversation and to take part in it – for their own spiritual fate and that of their children is at stake." (Marquart, Kurt E., *Anatomy of an Explosion*, Concordia Theological Seminary Press, 1977, p.1)

Another way in which ecclesiastical supervision has taken place in our Synod often found a primary locus at the circuit pastor's conferences or "winkles", (a quaint old German term mean "corner" – as in a gathering of local pastors in the local area.) These are often the events (normally monthly to this day), in which area pastors brought matters of casuistry to his brother pastors. Without violating confidentiality, situations that pastors are dealing with in their parishes are brought to the winkle seeking the advice of the brothers. Often, (especially in the past), when something one pastor was doing seemed questionable or outright wrong, it was the pastors of the winkle which sought to counsel the brother and correct his error.

Still today, our winkles should be engaging in this activity but unfortunately we now have whole circuits which are engaging in questionable practices supporting one another in their error and, if any faithful pastor in that winkle attempts to raise his voice, he can be accosted by the brothers and out-numbered. Despite the risks some pastors in such a situation still attempt to raise a righteous voice but are often told they are "narrow-minded" or "ultra-orthodox" or "Liturgical Nazi's" or some other unkind epithet which seeks to demean or marginalize the faithful pastor. Until we sit down and do the hard work that the ACELC is attempting to accomplish and actually resolve these issues, the ecclesiastical supervision aspect of the local winkle conferences remains somewhat broken, depending on the circuit.

When The Lutheran Church – Missouri Synod was formed in 1847 it was specifically the task of the President of the Synod to visit each and every congregation of the Synod and to provide ecclesiastical supervision for them, their pastors and teachers. Obviously, as the Synod quickly grew this method of ecclesiastical supervision became unworkable. Before long districts began to form and the need for "visitors" increased.

C.F.W. Walther, in his essay, *Duties of an Evangelical Lutheran Synod*, said:

"...we must remember: Such offices [visitors] are especially important for the future. If we fail to set up such offices now, when, by God's grace we are all united, then untold harm can result therefrom. Now is the time for us to hold fast to such established practices so that they will be there when at some time false spirits have insinuated themselves. For such arrangements are not for the zealous, who are on their knees day and night that they may be found faithful; they are

rather for those who get weary and exhausted with teaching, keeping watch, praying and doing research. The devil can again blow out the whole light for us, and unity may turn into such Babylonian confusion that we are appalled. Therefore we must do all we can to ward off such danger.” (C.F.W. Walther, “Duties of an Evangelical Lutheran Synod”, *Essays for the Church*, Concordia Publishing House, vol. II, p.21)

Exactly what is a “visitor”? Today the counterpart is the Circuit Counselor. Today, such men serve the pleasure of the District President and are considered officers of the Synod. My own circuit counselor is a good man who takes his visitation duties very seriously and has visited with both the pastors and the various Boards of Elders in each congregation of our circuit during this past year. He makes sure that our winkles are well-planned and well-attended. He also ensures that the serious business of casuistry gets done in our winkles and that there is scheduled time for study of the Scriptures and our Confessions. Many other circuits are not so fortunate and some of those elected to be Circuit Counselors have often forgotten the “visitor” roots of their position.

Obviously, if a circuit is to be a good circuit it must have a pastor who is willing to serve as the circuit visitor who, himself is faithful to Holy Scripture and to our Lutheran Confessions not only by vocal affirmation, but in the actual carrying out of his pastoral duties in a faithful way in his own parish. In some circuits I personally know the overriding qualification for serving as the Circuit Counselor is to ask, “Who hasn’t done this yet?” Obviously, if a visitor is to be a good ecclesiastical supervisor, he must also be the most faithful, knowledgeable pastor in the circuit.

Today Circuit Counselors are the extended hands of elected District Presidents and represent him in the local circuit. Thus when the Circuit Counselor visits the congregation or pastor it is the District President who is visiting. As the 2007 Bylaws of our Synod put it:

“The district president shall, in accordance with the Constitution of the Synod, in his ministry of ecclesiastical supervision visit the congregations of the district....He shall come to the pastor and the congregation as a brotherly advisor, reminding them of the joy of serving in the mission and ministry of the church...In his visits he shall include fraternal discussion in regard to worship and Communion attendance; participation by the congregation in missions and the work of the church at large; the congregation’s evangelism and education endeavors; its cultivation of sound stewardship principles; all aspects of compensation for professional church workers; the need for maintenance of purity of doctrine the strengthening of the bond of Christian fellowship; and the provision of resources, opportunities, and assistance so God’s people can grow in their faith, hope, and love.” (Bylaw 4.4.4, *2007 Handbook*)

“Each district president, in accordance with the Constitution of the Synod, shall supervise the doctrine, the life, and the official administration on the part of the ordained or commissioned ministers who are members through his district or are subject to his ecclesiastical supervision, and shall inquire into the prevailing spiritual conditions of the congregations of his district.” (Bylaw 4.4.5, *2007 Handbook*)

As you have the opportunity to examine the ACELC’s series of “Evidence of Errors” documents either in your conference materials or from our website you will find example after example of errors that have, for the most part, not been adequately addressed and resolved by means of ecclesiastical supervision. For instance:

1. While binding CCM opinion # 0202309 of January, 2003 which authorized immunity of virtually any and all actions by a Synodical worker if he had previously received his ecclesiastical supervisor’s permission was corrected by the 2010 Synodical Convention, the opinion itself was actually upheld and past wrongs done were not corrected.
2. A congregation in Westport, CT, which blatantly engages in various so-called Charismatic errors remains uncorrected.
3. Many, many congregations throughout the LCMS also engage in every manner of error respecting the practice of admitting non-Lutherans or Lutherans who are members of church

bodies with which the LCMS is not in pulpits and altar fellowship to their altars frequently without correction.

4. While falsely criticizing the ACELC for becoming an association of congregations which is a "Synod within the Synod", no criticism is found of the more than 69 congregations who have joined in a non-Lutheran association of congregations known as the "Willow Creek Association" whose materials are frequently in error. This is true despite the clear statement in the Constitution of the LCMS which states that as a condition for acquiring and holding membership in the Synod:

"2. Renunciation of unionism and syncretism of every description, such as...c. Participating in heterodox tract and missionary activities." (Article VI – Conditions of Membership, 2007 Handbook, p. 13)

5. Additionally, ecclesiastical supervision within the LCMS has taken an odd turn with binding CCM opinion 04-2387 which authorizes ecclesiastical supervisors to meet or not meet with any individuals who may actually be in the proper channels of the congregation's own governance structure and may even exclude the pastor from such gatherings at which they may discuss the ministry of the pastor without due process nor even the courtesy of being able to defend one's self. For a Synod which describes itself as "congregational" and its relationship to congregations as "advisory" that is strange indeed. Thus, the unbiblical separation of the sheep from their shepherd is sanctioned and meeting with disgruntled conventicles within the congregation is approved.

These examples of errors, and many others, are not difficult to discover. You need only spend a few hours on the internet to see the plethora of errors both doctrinal and practical publicly posted in every district of our Synod. But to point out what is already public error brings an amazing level of criticism to any who dare do so as the good folks of the ACELC Steering Committee have discovered. Suddenly it has become those who alert to the error who are the bad guys rather than the errorists themselves! Holy Scripture teaches otherwise:

So you, son of man, I have made a watchman for the house of Israel. Whenever you hear a word from my mouth, you shall give them warning from me. If I say to the wicked, O wicked one, you shall surely die, and you do not speak to warn the wicked to turn from his way, that wicked person shall die in his iniquity, but his blood I will require at your hand. But if you warn the wicked to turn from his way, and he does not turn from his way, that person shall die in his iniquity, but you will have delivered your soul. (Ezekiel 33:7-9, ESV)

To paraphrase Barry Goldwater, Diversity in error is no virtue, and unity in pure doctrine is no vice.

For example, consider the case of Rev. Fredrick Niedner, professor at Valparaiso University, Valparaiso, Indiana. On July 12, 2001, Rev. Niedner had chosen to participate in a joint worship service at Grace and Holy Trinity Cathedral (Episcopal), in Kansas City, Missouri. The celebrant for the service was Rev. Susan R. Briehl of the ELCA and the Lord's Supper was given to all in attendance regardless of denominational affiliation. Rev. Niedner assisted in the distribution. During the adjudication proceedings Rev. Niedner indicated his belief that the present "close(d) communion" practice of the LCMS was of relatively recent origin rather than an ancient practice of the Christian Church. When asked about the LCMS' 2001 decision in convention declaring the ELCA to be no longer an orthodox Lutheran church body, Rev. Niedner declared his disagreement with the decision and had no problem participating with a female clergy person of that church body. He also affirmed his belief that women should be permitted ordination into the pastoral office. When asked if he would stop this kind of behavior, Rev. Niedner indicated that he would do it again and that he did indeed participate in a similar service just recently at Valparaiso University where once again the presiding minister was a female clergy person of the ELCA, named Barbara Berry-Bailey.

Clearly Rev. Niedner had violated and intended to continue to violate the fellowship practice of the LCMS as outlined in Article VI of the LCMS Constitution. Yet no further action was taken and Rev. Niedner remains on the clergy roster of the LCMS and is a professor at Valparaiso, Indiana. Why has Rev. Niedner not been removed from the clergy roster? Plainly this case illustrates the seeming inability of

ecclesiastical supervision to come to a rational and biblical conclusion and has completed failed to do its job. I would simply ask: If Rev. Niedner can't be removed from our clergy roster, then what can an errant pastor do to be removed?

Brothers and sisters in Christ we in the LCMS have been told that the degree of doctrinal unity we currently enjoy is vastly superior to that of most mainline Christian denominations. While that may be true we must ask how those other denominations got to be as error-prone as they are? Did such departure from orthodoxy happen all at once? No, it did not. It happened as it always happens – incrementally. By one neglected error at a time the road to heterodoxy is traveled. What prevents such a wandering from the truth? Proper ecclesiastical supervision in both the proper sense (between the pastor and the congregation) and in the membership sense - within man-made structures like Synods and denominations, must occur if the LCMS is to regain and retain its status as a truly orthodox Lutheran church body.

I have been told by a sitting district president that doctrinal differences in the LCMS are only about at 10 percent level while that of other denominations can be describes as being at 40 percent level. I would kindly suggest that the reason the other church bodies have become so theologically corrupt is that no one exercised proper ecclesiastical supervision when the problem was only at the 5 percent level.

The bottom line with respect to ecclesiastical supervision is that our failure to deal with error in our current situation has permitted error to flourish in our congregations and has resulted in the deterioration of our unity in doctrine and practice as we now see it. Further, if our neglect of proper ecclesiastical supervision at every level continues at its current pace, then we should regard with horror what we may well become. We need only to observe what has transpired within the Evangelical Lutheran Church in America to understand that error has no limit but continues to erode truth until the truth itself is lost altogether.

DISPUTE RESOLUTION (DRP)

Disputes within church bodies and within congregations are a sad reality and obvious evidence that we are sinners all. The fact that the Synodical *Handbook* has dedicated 13 pages of fine print just to outline the procedures for Dispute Resolution, (let alone the copious pages of Commission on Constitutional Matters Opinions and Commission on Theology and Church Relations findings that have sought to clarify what the 13 pages of fine print said), bears witness that we now have a system of dispute adjudication which does not work very well, often resolves nothing and whose conclusions are not always enforced.

Simply put the Dispute Resolution Process (DRP) as we now have it is poorly designed, ungainly in its functions, time-consuming in its procedures and ineffective in resolving much of anything. Most significantly, the DRP has jettisoned the Holy Scriptures and our Lutheran Confessions as the fundamental instruments and norms of faith and life together as a Synod and substituted a man-made Constitution and Bylaws in their place. As a result, the DRP no longer has the confidence of the rank and file members of the Synod. It is a broken system that seems to be incapable of being fixed. As we have observed it over the years we have discovered that the DRP rarely seeks to settle disputes as much as it seems to accommodate disparate views. It should be understood that not everything should be reconciled. Some things simply need to be settled under God's Word and our Confessions. There is no legitimate way to reconcile error with truth!

Why do we have the DRP? One can possibly make the case that the previous adjudication system was also not very good. But then that was reasonably predictable given that attorneys were part and parcel of nearly every phase of its procedures. That is usually a sure sign of a broken system! Surely it would have both expedited and made the former adjudication procedure more effective if the participation of lawyers was not permitted until the entire procedure was completed and then, if thought necessary, take the final decision of the adjudication procedure to court. While the former Commission on Adjudication had its problems it was head and shoulders over the current DRP. The DRP is yet another example of the imposition of a business model from corporate America being foisted on the Church as though the Church had no way to settle disputes in accord with Holy Scriptures and the Lutheran Confessions, and the ways of the business community were infinitely wise.

Can you imagine the Reformation Fathers during the days of Martin Chemnitz determining that the best way to settle the many and complicated disputes which were extant in the Church of their day would be to establish a process of dispute resolution like that now currently employed by our Synod? Hardly! Those men of God knew what to do in order to unify the Church and to come to God-pleasing decisions: Submit to the Word of God and the Lutheran Confessions.

The process utilized by the churchmen who wrote the Formula of Concord was churchly to the core, biblical in its foundation, and Confessional in its conclusions. It is a model that desperately needs to be emulated today in The Lutheran Church – Missouri Synod. I hope and pray that President Harrison's efforts to recreate a Formula of Concord-like process to redress our errors finds much success and it is one of the ACELC's greatest hopes to supplement and assist the Koinonia Project effort precisely to achieve those ends. We want to be part of the solution and not part of the problem.

Indeed, I would suggest that the carrying out of President Harrison's proposed Koinonia Project bears strong evidence that the DRP simply can't handle the job! Something else must be done if we are to settle our disputes in a God-pleasing way.

With the DRP gone is the opportunity for individual laymen, individual pastors, and individual congregational members of the Synod to act in their rightful and biblical roles to bring charges against another errant member of the Synod. Instead, the DRP has become a system of adjudication of the district presidents, by the district presidents and for the district presidents. It has conferred upon these men a status within the Synod which was never originally intended for them, and subjected the adjudication of disputes to political machinations essentially mixing the balance of power between judiciary functions of the Synod with executive functions of the Synod.

And we ask: How well has the Dispute Resolution Process worked? Let's examine the evidence.

In the ACELC's "Evidence of Errors – X. Dispute Resolution Process" document you will find the case of Rev. Tim Tolar and the faithful members of Star of the North Lutheran Church in Kenai, Alaska. Here is a case of unlawful meetings, unethical involvement of district officials, threatening the utilizing of the local police to use force to physically remove the rightfully called pastor from the pulpit. From there it got much worse! Rev. Tolar and the faithful were forced out of their own church building. The Dispute Resolution Process was utilized and after more than a year the DRP Review Panel found in favor of Rev. Tolar and his flock, but the Northwest District President took no action to enforce the decision. Instead officers of the Synod and the errant group of the congregation attempted to bring civil suit against Rev. Tolar and those who worshipped with him. Even though counseled that Rev. Tolar and his flock would prevail in the courts, they chose to settle out of court and subsequently both Rev. Tolar and his flock left the LCMS and formed a new congregation – St. Luke Lutheran Church, Kenai, Alaska.

Since the DRP found in favor of Rev. Tolar, why wasn't the Northwest District President removed from his office for failing to attempt to enforce the ruling of the DRP? Why wasn't the errant Star of the North congregation removed from the membership of the Synod for defying the DRP ruling?

Consider also the case of Trinity Lutheran Church, Herrin, Illinois, and their pastor Rev. Michael Henson. Having been convinced that our Synod had permitted theological error to become tolerated within our church body they brought their concerns to the Synod following the 2001 Synodical convention. They were told to wait until the 2004 convention to see if the matters might be rectified. They were not and in January of 2005 Trinity, Herrin entered into a State of Confessions in order to bear witness to these errors. At the same time they did follow the Dispute Resolution Process in order to call the Synod back from their six identified points of error. For six years Rev. Henson and his congregation wrote letters, delivered papers, and published articles. They submitted overtures to their district convention and to the Synodical convention. The final step in the Dispute Resolution Process is to submit overtures to the Synodical convention seeking the judgment of the Synod regarding their concerns. Thus, they submitted ten overtures to the 2007 convention in Houston, Texas. Due to floor committee actions to either decline or completely rewrite Trinity's overtures this final appeal was effectively denied. Finally, on August 19, 2007, Trinity Lutheran Church, Herrin, Illinois severed their association with the LCMS.

These are only three examples of the failure of the Dispute Resolution to bring justice or to consider error and adequately address it. More are available in the ACELC documents for your review and they are not at all exhaustive.

CONCLUSION

A church body that cannot exercise appropriate ecclesiastical supervision is asking to become a heterodox church body. As part and parcel of ecclesiastical supervision a functional and effective means of adjudicating error must be in place. At the present moment in our Synod's history it is my opinion that we have neither. What the ACELC is proposing is to bring the matter of ecclesiastical back to its foundation. Bring it back to a pastor and his flock. That can happen if the errors that the ACELC has enumerated for the Synod become the object of broad-based, Synod-wide discussion and study. These errors deserve to be studied at every congregation in our Synod by both pastors and laymen. Top-down dictates cannot and will not change congregations at the local level unless the local level understands the issues that are tearing our Synod apart and understand what God's Word and our Confessions actually say concerning them.

Pastors in every congregation need to have the intestinal fortitude to address these issues understanding that if they do not, then the unity of our Synod can only further deteriorate. We cannot wait for things to filter down from above. We have absolutely no guarantee that the current leadership of our Synod will be retained at the 2013 Synodical convention. One man didn't get our Synod into this mess and one man isn't capable of getting us out of us. We need pastors and laymen who love purity of doctrine more than they love not rocking the boat either at the congregational level or at the Synodical level.

At the Synodical level ecclesiastical supervision can happen when those charged with the membership aspect of ecclesiastical supervision are willing to do what is necessary to remove errorist pastors and errorist congregations from our Synod and not a minute sooner.

Will it be easy? Obviously not! Will resistance be encountered? Absolutely! Error does not give way easily!

Rev. Dr. Hermann Sasse, writing in the aftermath of the horrific Barmen Declaration of 1934 which formed a false union between Lutherans and Calvinists affirming the worse of the Prussian Union of 1817 wrote of the Church in Germany:

"To this we pose the following question: Under what circumstances and how long then can orthodox Christians in general remain together in one church with Arians and Pelagians? According to the basic principles of our church we would answer that erring brothers should be borne in love in the hope that they will repent and return to the truth, but that *false doctrine* must not be tolerated. If false teachers have found their way into the church, they must be opposed. This struggle must also be waged against a church government which protects false teachers and thus makes itself a participant in their evil works." (Hermann Sasse, "Union and Confession", *The Lonely Way*, vol. 1, p. 281)

To paraphrase Sasse, under what circumstances and how long then can orthodox Lutherans remain together in one Synod with error and errorists? Like Sasse, we long to bear with those who have strayed from the truth so as to have them repent and return to the truth, but such false doctrine cannot ever be tolerated, let alone affirmed. As it was with Sasse so it is with us. False teachers must be opposed and if necessary we must struggle within our own church body to rectify error or face the fact that if the LCMS continues to fail to resolve our errors under God's Word and our Lutheran Confessions, that we will certainly become a heterodox church body if we are not already.