

Dispute Resolution and The Office of the Keys

A Case Study

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And getting into a boat he crossed over and came to his own city. And behold, some people brought to him a paralytic, lying on a bed. And when Jesus saw their faith, he said to the paralytic, "Take heart, my son; your sins are forgiven." And behold, some of the scribes said to themselves, "This man is blaspheming." But Jesus, knowing their thoughts, said, "Why do you think evil in your hearts? For which is easier, to say, 'Your sins are forgiven,' or to say, 'Rise and walk'? But that you may know that the Son of Man has authority on earth to forgive sins"—he then said to the paralytic—"Rise, pick up your bed and go home." And he rose and went home. When the crowds saw it, they were afraid, and they glorified God, who had given such authority to men. Matthew 9:1-8¹

This account is telling. Jesus says what He does and does what He says. The friends of the paralytic had diagnosed the problem; it was a no-brainer. Their friend was paralyzed as was plain to see. They wanted to help and their friend needed help. They heard that Jesus was a miracle worker so they did the natural thing that any friend would do. They brought their friend to Jesus. Maybe, just maybe, Jesus really could perform miracles and He would take pity on their friend and heal him. Their expectations were high, sky high. Can you imagine their shock when Jesus speaks? Jesus has diagnosed a different problem. He speaks a Word of healing to their friend, but not the Word they expected or wanted. The Great Physician of body and soul speaks the primary Word that the paralyzed man needs, whether he realizes it or not. He forgives the man his sin. The Incarnate Word of God speaks the life giving and life changing Word and the man's sins are forgiven. But to some, this powerful forgiving Word was a nothing. How could this be? How could anyone be angry or disappointed at the forgiveness of sins?

Jesus knows their thoughts and their hearts. "Who does this man think he is; God?"

"Only God can forgive sins!" "This man is obviously a blasphemer!" The diagnosis of Jesus

¹ English Standard Version (ESV) The Holy Bible, English Standard Version Copyright © 2001 by Crossway Bibles, a publishing ministry of Good News Publishers. All Bible quotations are from this version.

continues. He reveals their evil intent. In words that give us a divine preview of His own rising from the paralysis of death, He displays for the assembled doubters and the entire world that The Son of Man does indeed have the authority on earth to forgive sin. With another powerful Word He speaks words of bodily healing. The paralysis is gone. The man is healed. He picks up his bed and goes home, restored in both soul and body. The reaction of the crowd is very interesting, and telling. They were filled with fear and awe and could do only one thing. They glorified God, because He “had given such authority to men.”

But not everyone is filled with fear and awe erupting in the glorification of God by the fact that God has “given such authority to men.” At times I have been questioned after the Divine Service, even verbally attacked, by Lutherans and non Lutherans alike. You know the part of the Divine Service I am referring to, the one that causes such great offense; Confession and Absolution. “Who do you think you are, forgiving sins?” “Only God can forgive sins.” “I don’t need some pastor forgiving my sins, I go directly to God.” “What was that all about, some kind of Lutheran power play?” I remember vividly a young red haired woman waiting for me after the service, her face almost as red as her hair. “Show me,” she stammered, “show me where that is in the Bible that a man can forgive my sins.” She was so mad she could barely speak. When I calmly replied, “John 20,” she looked baffled. “Really? It’s really in the Bible? I don’t believe you.” And she stormed off. The proclamation of the forgiveness of sins continues to be scandalous, even to this day.

We all heard those words from John 20 very recently, as John 20:10-31 is the appointed Gospel reading for the 2nd Sunday of Easter in both the One Year and Three Year Lectionaries. It’s a long reading, really three distinct but related sections. I’m sure most of us heard a sermon on “Doubting Thomas” and not a few of us heard a sermon extolling the Word of God as “these

things are written that you may believe that Jesus is the Christ, the Son of God.”² But few of us heard a sermon on the first part of that Gospel reading, the mandate and promise words of The Office of the Keys:

On the evening of that day, the first day of the week, the doors being locked where the disciples were for fear of the Jews, Jesus came and stood among them and said to them, “Peace be with you.” When he had said this, he showed them his hands and his side. Then the disciples were glad when they saw the Lord. Jesus said to them again, “Peace be with you. As the Father has sent me, even so I am sending you.” And when he had said this, he breathed on them and said to them, “Receive the Holy Spirit. If you forgive the sins of any, they are forgiven them; if you withhold forgiveness from any, it is withheld.” John 20:19-23

One can only speculate why Lutheran pastors are so reluctant to preach on these words and this doctrine.³ Is it any wonder that many of our people in the pews are confused or even offended by them? Are we guilty of paying mere lip service to the 5th Chief Part of Luther’s Small Catechism? This Word of God is indeed scandalous; do we really believe it?

We live in a world of sin, a world of conflict. As I write these words recent events are still fresh in my mind. I sat in the courtroom with a young family because of a domestic dispute. Things had spiraled out of control for a variety of reasons. As lawyers and judge tried to sort everything out I did my best to support and consol the parties involved, members of the congregation I serve. But deep inside I knew that whatever the judge’s decision, it would not truly resolve the dispute. The problem at the heart of this dispute, and every dispute for that matter, is sin. “*Surely there is not a righteous man on earth who does good and never sins.*” *Ecclesiastes 7:20.* God’s Word is clear, and unless the root cause of any conflict is dealt with, all human efforts will fall short, no matter how noble or legal the effort. For this reason the eternal

² John 20:31. See also LSB 205.

³ For an outstanding example of how to preach The Office of the Keys see or hear Rev. Rolf Preus, Easter 2 sermon 2016, at www.christforus.org.

Word took on flesh and blood, placed Himself under God's holy and righteous Law, bled and died in our place on Calvary's cross, and rose victorious over sin, death and the grave. It is for this very reason that He instituted The Office of the Keys. Behold the Lamb of God who takes away the sin of the world; behold the Lamb of God who takes away your sin, full and free!

I am often amazed at how dysphoric and dyslexic our world is when it comes to conflict. On the one hand, we seem to seek it out by being easily offended as evidenced by our obsession with political correctness, microaggressions, and road rage. On the other hand we go out of our way to avoid conflict at every turn. For over a decade I have had to endure assigned seating and listen to the same tired speech at the beginning of every District Pastor's conference outlining rules for proper behavior and speech; I feel like a preschooler on the playground.

Conflict in the Church is as old as Genesis 3, and God teaches us how to handle it right there; Law and Gospel. Cain had a very different approach to dispute resolution, effective but bloody. We should not be surprised when conflict erupts in the Church. Sinners sin, plain and simple. How we deal with that sin is the key issue. In the meantime, conflict in the Church has become a big business. Do a quick Google search for "church conflict management" and you will be stunned at all the people who will help you, for a price, solve your problems. It appears that the Methodist and Assembly of God churches have an early corner on the market. Our own church body will often recommend Ambassadors of Reconciliation,⁴ a group that will be more than happy to help you resolve your church dispute, for the right price. I had the occasion to witness this type of reconciliation at a nearby parish. The pastor was being forced out by an unhappy but vocal minority, or as we say in Nebraska, "urged to consider resignation in exchange for a generous severance package." A Bible study on Confession and Absolution was

offered by the District staff, and then the pastor, as a model for the congregation, was to publicly confess his sin to the congregation. This he did, and a wellspring of congregational confessions were supposed to follow as was the plan according to the reconciliation playbook. Not only did no one from the congregation confess anything, no one absolved the pastor of his confessed sin. To add insult to injury, everything that the pastor confessed to the congregation was added to the list of charges against him and bolstered the “case” for forced resignation. The District appointed reconciler later told the pastor that if he really loved the congregation and really wanted peace for his people, the only godly thing to do was resign his call. Beaten and broken, he resigned. The congregation refused to give any severance package to their now unemployed pastor with several young children. I ask you, does this model of dispute resolution more closely resemble Genesis 3 or Genesis 4?

To this point here at our Free Conference, we have had many fine presentations detailing the good and not so good from our LCMS history of dispute resolution. We have heard the good and not so good with regard to our present system of Dispute Resolution, a system that the ACELC has collectively said is in error and needs to be changed. We have also heard many fine suggestions about what those changes should look like and how they should be implemented. Heading into this conference the comment that I heard most often was the need to simply return to “The Old Adjudication Process” and all will be well again. While there may be much merit in that suggestion, I would like to point out that the “old” process was not perfect. It did do a much better job of allowing “due process” and the “rule of law” to hold sway, rather than an all encompassing “win-win” ideal, but had a major flaw. This flaw was an unintended consequence

⁴ www.hisaor.org

and unfortunately left much collateral damage. I would like to illustrate this by way of a case study of what I like to call “The Stu Tietz Affair.”

I was elected to the Nebraska District Board of Directors in June of 2003 by way of my election as 1st Vice President of the District. The previous District President had been term limited out and with the election of four new Vice Presidents and several new lay members, the District BOD had undergone a major change. At our first official meeting in the fall, Synodical Secretary Hartwig led a workshop on the Synodical Handbook and generally schooled us on how to play nice with each other. The meeting was for the most part uneventful, but there were several major issues that were brewing. The District was the proud owner of a golf course and nursing home in Omaha, shocking news to all of the new Board members, and we were sworn to secrecy on the matter. Several other issues loomed large, lay ministry and contemporary worship, forced resignations of pastors and rumors of serious pastoral misconduct, with the aftermath of the “Yankee Stadium Event” casting its dark shadow over everything, but this initial meeting was for the most part calm and cordial. This would all change at our next meeting.

On Thursday evening December 4, 2003, our District Presidium met, as would become our custom the evening before every Board meeting. Again, everything was calm and cordial. The calm before the storm. There was an item on the agenda for the next day’s meeting that no one really had given much thought to. Dr. Neil Sandfort had served as “Executive Assistant to the President for Education and Youth Ministry,” basically superintendent for all of the parochial schools in the District, for the past 21 years. He was retiring at the end of the year. The District President, Rev. Russ Sommerfeld, had appointed a Call Committee and they would have a recommendation for the BOD. The plan was for the Board to meet the candidate in the morning, the non business portion of the meeting, and then officially approve the individual by extending a

Call in the afternoon as official business. We were not told who the individual would be, only that the person would be there for us to meet. What a meeting it would be!

We had less than an hour left in our morning session when we were formally introduced to the Call Committee's selection, Mr. Stu Tietz. My initial reaction was very positive. I had known Stu for about seven years, my time in Lincoln, as he was the Principal at Faith Lutheran School on the other side of town. We were casual acquaintances, our kids went to the same high school, Lincoln Lutheran, and played on the same sports teams. He was a ticket-taker at Husker football games and I would occasionally see him on game days. I knew him to be an all around good guy and he was well respected as an educator. My only concern, initially, was that he had no experience in classical education and we were in the process of starting a classical Lutheran elementary school in the congregation where I served.

During the introduction part of our meeting, I noticed one of our Board members staring at Stu with a quizzical look on his face. 2nd Vice President North Sherrill, pastor of Zion Lutheran Church in Kearney, finally asked Stu, "Have we ever met?" Mr. Tietz assured him that they had never met. But the answer did not satisfy North and the look remained on his face. I could see him mouthing the words silently to himself, "Stu Tietz, Stu Tietz, Stu Tietz..." Finally something clicked, North moved to the edge of his chair and asked, "Are you the same Stu Tietz that served on the Ft. Wayne Seminary Board of Regents?" Stu acknowledged that he had served the Church in that capacity. North now stood up and questioned, in a loud and agitated voice, "The same Board of Regents that sinfully and shamefully robbed Robert Preus of his call and stole from him his livelihood?" The room grew strangely quiet; you could have heard a pin drop. Stu sat in his chair with no expression on his face and didn't say a word. After what seemed like an eternity, 3rd Vice President Norman Friedmeyer, pastor of First Lutheran Church in

Plattsmouth, broke the silence. “I know you,” he said, “I was at the seminary back then and you voted to fire President Preus.” I was completely clueless as to what was taking place, ignorant of the things that had just been brought up. Board members began to whisper among themselves. President Sommerfeld and Board Chairman Ron Rathe were trying to regain some form of semblance to the meeting. Stu Tietz sat in his chair, expressionless and silent. All hell was about to break loose.

North started to explain to the Board, to the best of his recollection, the events as he remembered them: Synodical President Ralph Bohlmann and Robert Preus had some kind of a falling out and President Bohlmann wanted Robert Preus out as President of the Seminary. Trumped up charges were brought to the Board of Regents and they voted to remove him, or have him “honorably retired.” Robert Preus was forced to file suit to get his job back, and the matter went before the Commission on Appeals(COA). They voted that the Board of Regents had sinned and that Robert Preus should be reinstated. The Board of Regents ignored the COA decision. The matter finally went before the Synod in Convention and Robert Preus was reinstated as Seminary President. Since that time two members of the Board of Regents had publicly repented and two remained steadfast that they had acted properly and done nothing wrong. Finally North said, “I don’t believe the Church has ever heard from you, Mr. Tietz. Do you repent of your sin against Robert Preus?” Stu refused to answer. Some members of the Board tried to get North to be quiet but their efforts had no effect. Again North asked, “Mr. Tietz, do you repent of your sinful actions against Robert Preus, actions which stole from him his job and attacked his reputation?” No answer. Most of our Board sat in stunned silence. North took a deep breath and continued, “Let me ask my question in a different way. Knowing all that you know now, all of the appeals and decisions, if you had it all to do over again, would you still vote

the same way?” Stu broke his silence, again, with no expression on his face and in the calmest voice imaginable, he said, “I stand by my vote and the Board of Regents decision.” North jumped to his feet, pointed directly at Stu and said loudly, “Then I bind you in your sin!” Some were shocked at North’s words. Some thought he was grandstanding or showboating or staging a grand power play. Most were still trying to figure out what had just happened. All I knew was that it was lunchtime and I was born hungry. We could sort all this out after lunch, couldn’t we? How foolish I was...

Lunch was at President Sommerfeld’s house and everyone was polite and avoided the topic. The matter was soon before us in an official way. I had hoped that the concerns raised earlier would lead President Sommerfeld to withdraw Stu’s name to spare further embarrassment and avoid the controversy. I was wrong. We continued right where we left off, only this time Mr. Tietz was not present. Members of the Board and other staff took turns like fighters to a punching bag, verbally attacking North: What right did he have to bring things up from the past? How dare he call Stu to repentance? He was breaking the 8th Commandment by not explaining everything in the best possible way. The Synodical Convention had settled the matter so just let it go. Finally, the man who was retiring from the position, Neil Sandfort, spoke up. He said that he was appalled by how some members of the board had treated a fine churchman like Stu and that his record and service were beyond question and above reproach. Then he said, “Stu has gone to church hundreds of times since the matter in question. He has confessed that he is a sinner and received absolution. It’s time to put the past behind us and move on.” North, who had been displaying remarkable self control during the onslaught could take no more. He looked at Dr. Sandfort with a look somewhere between sadness and pity and said, “If you really believe what you just said, you have no comprehension of what repentance and forgiveness really are. He sat

right over there (pointing to the chair that Stu had occupied) and said he wasn't sorry. It can't get any more plain than that."

I quickly made a motion that in light of all this information we send the name back to the Call Committee and ask them to reconsider their recommendation. We had been told that they had interviewed three good candidates and we were told repeatedly that Stu was not seeking this call. I was sure that this would be a way for everyone to save face and we really could move on. Motion passed; no vote today. But instead of things working out as I had imagined, with people now working hard to heal wounds and repair relationships, with a new name to consider, just the opposite happened. Now things really heated up.

President Sommerfeld quickly called together the Call Committee, but instead of hearing the serious concerns that had been voiced from several members of the Board, they "doubled down" behind the nomination of Stu Tietz. They met on December 17 and resubmitted Stu's name for the position.⁵ On that date Stu Tietz also issued a statement to the Board.⁶ In that statement he said, "After reviewing at length the actions of the CTS Board of Regents, the 1992 Synodical convention and after much prayerful consideration I continue to stand by the decisions made by the Board of Regents. It is, however, most unfortunate that in the process families felt uncomfortable and were affected by the action that was taken." The Board received these documents in a packet along with letters, lots of letters, some simply extolling the virtues of Stu Tietz and why we should vote for him and others scolding us for our naughty behavior. But even before the Call Committee met and well before the Board packet arrived in the mail, I began receiving phone calls and letters. No one has every been able to explain to me who initiated this

⁵ Appendix A.

⁶ Appendix B.

intense lobbying effort or where these people were getting their information from. I was personally accused of the most horrific sins you can imagine, and when I tried to explain that I was basically ignorant of any of the issues surrounding the Robert Preus firing and had no personal axe to grind, I was called a liar. At this time I did not realize the extent people would go to hold me personally responsible for all of this.

I'm not sure why, but at this time President Sommerfeld decided to force the issue by way of a Special Board Meeting via conference call.⁷ He obviously wanted the matter settled quickly and thought he had enough votes to push the nomination through. Based on the Board member comments up to this point he may have been correct in that assessment. I simply wanted the Call Committee to nominate someone else so we could be united in our vote to issue a Call. I begged President Sommerfeld to reconsider the nomination and he told me he would. On Wednesday, January 7, I had my answer when we received notice of a Special Board Meeting via conference call to be held on Friday of the same week, as long as we could get a quorum. I was shocked and disappointed. A few hours after the email notice for the Special Board Meeting, I responded to the Board with my rationale for not being able to support the nomination and another plea to withdraw Stu's name from consideration.⁸ The conference call took place, but no vote was taken. I was able to impress upon the Board that we needed more time to digest all the information and that a matter this important needed to be handled in face to face meeting. I was buying time. I hoped that in this time either Stu's name would be withdrawn or Stu would voice some form of repentance. A Special Board Meeting was called for January 30, at the District Office in Seward.

⁷ Appendix C.

⁸ Appendix E.

It quickly became evident that neither of my hopes in this matter would be realized. The phone calls, emails, and letters continued and increased. I knew that I needed to inform myself, as best as possible, regarding the details of the Robert Preus firing and the Board of Regents' actions. I began pouring over the minutes of the 1992 LCMS Synodical convention, but they added nothing to the discussion. I then began reading the archives of the LCMS Reporter, some helpful information was contained there,⁹ but nothing that spoke directly to the issue. Then I remembered a paper given by Rev. Klemet Preus at the 2002 Ft. Wayne Symposia, "*Assessing the Preus Heritage in the Missouri Synod.*"¹⁰ There was a very helpful footnote in his paper.

The Commission on Appeals of the LC-MS stated that The Board of Regents Action in retiring Robert Preus was "contrary to the 8th and 9th Commandments." The Commission further stated that the BOR wrongfully dismissed him as President of Concordia Theological Seminary by a 'show of right' which dishonored him, and thus was not an 'honorable retirement.' (Commission on Appeals Decision 10/19/91) Any statements that suggest that Preus was honorably retired, are in the words of the Commission on Appeals, a dishonoring of him.

What our Board needed before we could make an informed decision was a copy of the Commission on Appeals Decision from October 19, 1991. I called the libraries at both seminaries but they were no help. They suggested I call Concordia Historical Institute in St. Louis. The folks at CHI were very helpful, but they said they didn't have the staff or time to honor my request on such short notice; the meeting was only a few days away. I called Kemet Preus and he told me to call his brother Christian. Attorney Christian Preus not only took my call, but listened intently as I told him what was happening in the Nebraska District. He shared with me the personal hurt that his father was forced to endure at that time, a hurt that still lingered in

⁹ Especially helpful were Reporter, Vol. 18, No. 4, February 24, 1992, "*Appeals issues final decision in Preus vs. regents;*" and Vol. 18, No. 6, March 23, 1992, "*Two regents say board resistance will divide synod,*" and "*Two COA members file dissent in Preus case.*"

¹⁰ Paper available in audio form only at <http://media.ctsfw.edu/Audio/ViewDetails/2104>

the entire family. He told me he did not want anyone rewriting history, and he would be happy to locate and send me the pertinent pages of the COA Decision. On January 28, two days before the Board Meeting, he was able to FAX me several pages of the Decision from a local Pamida Pharmacy. The copy quality was poor, almost unreadable. I requested another copy. Again, in a different format and font, he sent the document via FAX.

As I read the COA Decision I was filled with a deep sadness. Sin is sin, and it was abundantly clear to me that much sin had taken place. The COA called that sin what it is, sin. But the COA isn't charged with calling sinners to repentance. Two of the members of the Board of Regents had publicly repented of their sin in this matter. I don't know the details of their repentance nor do I need to know; I simply rejoice with the angels in heaven.¹¹ I don't know if anyone had ever called Stu Tietz to repentance for his BOR actions before our December Board Meeting, but the call was clear that cold December morning. The answer to that call was also clear. I decided to make one final attempt to resolve the issue without a public fight and public vote. I sent out a lengthy note to the Board the evening before the Special Board Meeting.¹² I detailed the information I had discovered and told them I had an official document to share. I made yet another plea to withdraw the name. It was too late. The battle lines had been clearly drawn.

I arrived early at the District Office. President Sommerfeld was already in the meeting room and was in a surprisingly good mood, almost giddy. I brought with me 16 copies of the portion of the COA Decision that had been faxed to me. I asked permission to distribute them

¹¹ Luke 15:7,10.

¹² Appendix F.

and he smiled at me and said, “Sure!” He didn’t even look at it. I distributed the copies¹³ and watched as the Board members slowly trickled in. Some read the document, some skimmed it, and most just tossed it aside. There was only one item on the agenda.¹⁴ President Sommerfeld led the opening devotion. He read Philippians 2:1-11. He then asked, “How’s your attitude?” He told us that as Christians we needed more than information, and that we needed to empty ourselves and discover the attitude of Christ in our hearts. He told us that we had a difficult meeting ahead and that we had the opportunity before us to make Christ’s joy complete.

A motion was quickly made and seconded to nominate Stu Tietz for the position. President Sommerfeld then took the floor. He said that it was “not within the pale of the Nebraska District to reopen the Preus case. We are not charged to find out all the details of the case nor do we need to. It is important for us to consider how best to serve the District. Stu Tietz does have a strong record synodically and throughout the District.” At the conclusion of his remarks I asked permission to read from the document that I had brought to the meeting, a portion of the COA Decision. Since so few of the Board members had read the document before the meeting, and it appeared to me that we were about to have a very short meeting, I decided to read the entire section titled “ISSUE 3,” the portion that Attorney Preus thought was the most germane. As I read my words echoed throughout the otherwise dead silent meeting room. No one uttered so much as a whisper or sipped from their coffee cup as I read page after page from the damning Decision. At the conclusion of my reading I simply said, “No one in this room questions Stu’s qualifications as an educator. Why did two members of the CTS BOR publicly admit their

¹³ Appendix G.

¹⁴ Appendix H.

sin, including the Chairman of the Board? The question before us is a simple matter of repentance or unrepentance.”¹⁵

The silence in the room was deafening. Finally someone called the question. One by one the roll call was read. President Sommerfeld’s face grew more and more pale until it was a ghostly white; obviously some of the votes he had counted on didn’t materialize. The vote was a tie, 8-8.¹⁶ My thoughts immediately went back to a crisp November evening in 1973. My high school football team, the West Point Cadets, champions of the East Husker Conference, were playing the mighty champions of the West Husker Conference, Columbus Lakeview, for the Husker Conference championship. When the game ended in a 13-13 tie no one knew quite what to do. We all stood around on the field, wanting to continue, but there were no provisions for overtime in those days. The referees conferred, and then went home. Slowly we left the gridiron, knowing painfully well what legendary coach Bob Devaney meant when he said that a tie game is like kissing your sister. In much the same way President Sommerfeld conferred with Board Secretary Rev. Roland Jank. It was a tie vote. No Call could be issued. It was time to go home. The meeting was adjourned. As the Board members slowly left the room, I made my way to President Sommerfeld, desiring to make peace. The color had returned to his face, matching the color of his reddish purple tie. He refused my hand. As I drove home that day I had a feeling of

¹⁵ “We want to remind our readers of the real issue. Aeschines reminded the Jews that both parties in a controversy must deal only with the point at issue and not wander off into side issues, like wrestlers fighting for their position. In the same way our opponents should be forced to discuss the point at issue. Once the real issue of the controversy is clear, it will be easy to evaluate the arguments both sides have presented.” Apology XXIV, 10. *The Book of Concord the confessions of the Evangelical Lutheran Church*. 1959 (T. G. Tappert, Ed.) (251). Philadelphia: Mühlenberg Press. I have since been told that Robert Preus stressed this point repeatedly in class.

¹⁶ For my personal notes from the meeting see Appendix I.

relief, the relief you feel when you are all done throwing up. I consoled myself with the thought that this matter was finally over and we could, as a Board, move on. But it was not over.

The next day we received a note from President Sommerfeld with a copy of the report of our Special Board Meeting, the report that would be distributed throughout the District.¹⁷ The Monday following the Meeting I had a visitor in my office, Rev. Tom Mroch, Special Assistant to President Sommerfeld. He held in his hand a copy of the Nebraska District Bylaws. He scolded me for my behavior at the Special Meeting and pointed me to the section of the Bylaws related to District Vice Presidents. He reasoned that since it is the stated duty of a District Vice President, in the Bylaws, to support the District President, and I had clearly demonstrated that I did not support the District President at the Special meeting, I had no alternative except to resign. He was serious, dead serious. I asked him if he was there on his own, or if someone had sent him. He refused to answer. I told him that his request for me to resign was ludicrous and asked him to leave. But he wouldn't leave. Instead he led me to our church library. As he pointed to the bookshelves he said, "Suppose someone were to launch a theological investigation to every book on these shelves? How do you think Mr. High and Mighty Pure Doctrine Pastor Poppe would fare?" I felt like I was in the middle of an episode of "The Twilight Zone." I asked again for him to leave, but he wouldn't leave. Only when our custodian came into the room, offering us coffee, did he finally decide to go. As he walked out of our church doors he smiled at me and said, "This isn't over; this isn't over by a long shot."

A few days later I received a phone call from Mr. Kermit Brashear, Esquire, Legal Counsel for the Nebraska District. I had known Kermit for years. His niece Nikki was a member of my congregation and his son Kurth would occasionally attend worship services with her.

Kermit was a major political figure in Nebraska and had achieved a type of celebrity status. When he and his wife would come to church at Good Shepherd he always drew a big crowd; he was a fun guy to talk to. But this was not a pleasure call. He told me that he had received several inquiries regarding my conduct as a district Vice President and people wanted to know the legal steps to have me removed. When I asked him the basis for people's concerns he quoted the same section of the Bylaws that Rev. Mroch had quoted. Something smelled fishy. I said, "Kermit, is it your professional and legal opinion that a District Vice President must always vote exactly the same way as the District President or he is in violation of the District Bylaws and must resign?" He chuckled and said, "Of course not!" He ended our conversation with these words, "This was just a courtesy call. If you choose not to resign it could get ugly, and I mean really ugly." He was right, and it didn't take long.

Letters and emails came pouring in. I was not the only target in these well orchestrated attacks, but I was the main target. I was prepared to take heat for my actions, but I was not prepared for the false accusations, lies, hate, and sheer vitriol of the attacks. Anonymous messages were left at the church and on my home phone. My kids were verbally assaulted at school and my wife was on the receiving end of not a few venomous phone calls (she was clueless as I had spoken of none of this with her). My members were encouraged to leave the congregation because of their "bad pastor." I was accused of "loving rules more than people," being a misogynist, and one person suggested that my elders should check my computer for porn. One person told me that when he was done with me I would be living on Food Stamps and another told me to kiss my political future in the LCMS goodbye, because "when this is all over, you won't be able to get elected dogcatcher in a town overrun with dogs." I had to laugh at that

¹⁷ Appendix J.

one. But this was no laughing matter. I was beginning to become bitter and resentful. I paid a visit to a trusted friend and brother pastor. I poured out my soul to Brent Kuhlman. What I really wanted was an ally in my bitterness and resentment, I wanted him on my side. His response was shocking. Right there in the restaurant he called me to repent. He asked me to recall the events recorded in John 6, and the shameful way that Jesus was treated and abandoned for simply speaking the Truth. “What makes you think you deserve better treatment than our dear Lord Jesus?” he asked. Imagine that, a pastor doing what a pastor is called to do, properly diagnosing the situation based on Law and Gospel and calling a hardened sinner to repent. I confessed my sin and asked him for forgiveness. He pronounced the Absolution. The weight of the world was off my shoulders. I said, “Now what should I do?” He said, “Pray Luke 23:34¹⁸ and TLH 260¹⁹ every day, some days you may need to pray them every hour.” Then he smiled at me and said, “Let’s order dessert, shall we?”

The onslaught continued against me and several other Board members, but it didn’t matter, I was a free man, free in the Gospel. On Monday, March 1, 2004, I received an email from President Sommerfeld requesting a meeting, in my office, on Wednesday the 3rd.²⁰ He said it was serious and concerned the Special Board Meeting. I had nothing to fear and I welcomed him with open arms. He got right to the point and his first question surprised me, asking me who had sent me the Fax of the COA Decision. When I told him Attorney Christian Preus, he laughed and said, “Since when does an attorney use a Pamida Pharmacy to FAX documents?” I said, “I don’t know. Maybe his office FAX wasn’t working or maybe he didn’t want to use the company

¹⁸ “Father, forgive them, for they know not what they do.”

¹⁹ Appendix X.

²⁰ Appendix K

FAX for personal business. You'll have to ask him." He asked me again, obviously not believing my words. Then he said, "It really doesn't matter how you got your hands on the COA Decision. I don't believe you understand the seriousness of the situation. COA documents are sealed for 25 years and you have violated numerous synodical rules and especially the 'covenant of love.' I am going to have to ask you to resign from the Board of Directors, place you on suspended status, and you will probably be removed from the Clergy Roster of Synod." I smiled and said the first thing that popped into my head, "Well then I guess I'll have to take a page out of the David Benke play book. If I did anything wrong in handing out the COA Decision to the Board, you'll have to take the matter up with my ecclesiastical supervisor since he's the one who gave me permission to hand it out. As I understand it, I can't be held responsible." Immediately, he walked out of my office without saying a word. I have never heard another word from him on the matter.²¹

Amazingly, the nasty phone calls, letters, and emails slowed down and eventually stopped after that meeting.²² Little did I know, the efforts hadn't really stopped, but gone underground. While the names of the people and how they voted at the Special Board Meeting were never officially made public, they were made public in many unofficial ways. Everyone up for reelection who cast a nay vote that day was targeted and defeated at the next District Convention with one exception. Somehow I survived the political onslaught and was reelected First Vice President. The next twenty seven months of service on the Board were interesting but tolerable. After the 2006 District Convention two faithful laymen and I were often the lone voices for

²¹ When I shared this information with Rev. Sherrill he became very agitated. He contacted Attorney Preus. For his response to North see Appendix L.

²² For a small sampling see Appendices M-V.

confessional Lutheranism on the Board, and other members of the Board openly mocked me at Board meetings. I did my best to be faithful, became somewhat of an expert on Robert's Rules of Order, and would occasionally call for a roll call vote on seemingly unimportant matters, just to keep people guessing what I was up to. I declined nomination in 2009 because the whole political process had been exposed to me as a joke. I was a free man and I wanted to be able to make the good confession, without people questioning my motives or political ambition. I began to network with others who were sick and tired of the political game, or as Dr. Marquart used to say, "bureaucratitis." The ACELC was being conceived and would soon be born.

To me, the whole matter of a Dispute Resolution Process is very simple. We need a process that allows for due process and the rule of law. We need a process that will, under God's Word and the Lutheran Confessions, call sin what it is, sin. We need a process that takes serious the need for repentance; confession and absolution for those who repent, and church discipline for those who don't. We need to collectively study and apply The 5th Chief Part of Luther's Small Catechism²³ and the Augsburg Confession, Article XII.²⁴

Soon, The LCMS will gather in Convention in Milwaukee. There is a better than good chance that the "Wichita Recension of AC XIV"²⁵ will be corrected if the Report of the Special Task Force is adopted. Read the report carefully²⁶ and notice what key word is missing: repent. A

²³ A good place to start might be, Gregory J. Schultz, *The Pastor's Rights and Responsibilities In His Parish: Exercising The Office Of The Keys-Both Of Them*, Essay for the 2015 Conference of The Augustana Ministerium.

²⁴ Every Lutheran pastor should read and digest Ronald K. Rittgers, *The Reformation of the Keys*, Harvard University Press, 2004.

²⁵ 1989 Synodical Res. 3-05B – "To Adopt Recommendations of Lay Worker Study Committee Report as Amended" has become widely known as the "Wichita Rescission of Augsburg XIV."

²⁶ <https://blogs.lcms.org/2015/task-force-report-on-licensed-lay-deacons-available>

sitting District President recently told me that it is not possible for The LCMS in Convention to use the word repent because the consequences would be too great. I humbly submit that it is time for the “penitential politeness” to come to an end. Jesus teaches us that the mission of the church is the proclamation of repentance and the forgiveness of sin.²⁷

I close with these words from a February 4, 1986, Chapel Sermon by Robert Preus,

...Paul says, “reprove.” This means to convince people with the Word, to argue the Word, apply the Word, comfort with the Word, help people with the Word whenever you possibly can. Help them to believe it and apply it to themselves. Paul goes on- “rebuke” -a very strong word. A terrifying word, it means to censure, to scold, to bawl out a person, to condemn, to show him that he’s wrong, guilty before God. The law never makes a person feel good, it makes them feel bad, guilty, lost. And let me tell you it’s no fun preaching the law. People don’t like it. They don’t like you, they don’t like God, and they don’t like the law. But you have to do it- because God says “rebuke.”

And then finally, the great exhortation. “Exhort,” he says, “with all long-suffering and doctrine.” What doctrine? The doctrine of the gospel. And here Paul is telling you to comfort people, to strengthen people, to help them with the Word. Comfort them with the only thing in this world that can offer a poor sinner comfort, the gospel; the gospel of a loving, gracious, forgiving God. That will be the burden of your ministry. That is the real, essential element of getting the Word out- to comfort with it. And that, I guarantee you, is going to be the crown of your ministry, the glory of your ministry. You’ll see the mighty gospel Word you preach at work. You’ll see hardened, unregenerate sinners repent at the foot of the cross and confess that Jesus Christ is their Savior. You’ll see lives transformed. You’ll see poor, miserable, sad, troubled people smile and laugh at the same time they are crying, because you’ve brought them comfort. And you’ll see old, forsaken, dying people die with a smile on their face, knowing that they are going to go to that place God the Son has prepared for them because *you* preached the Word. It is the most rewarding, glorious calling in the world.²⁸

²⁷ Luke 24.

²⁸ Robert D. Preus, Chapel Sermon on 2 Timothy 4, Winter Call Service, *Concordia Theological Quarterly*, Volume 60, No. 3(July 1996), 238.