

## Introduction

Rev Clint K. Poppe

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It is my great honor and privilege to welcome you to the Sixth Annual Free Conference of The Association of Confessing Evangelical Lutheran Congregations (ACELC), Christ For Us: Dispute Resolution. Some have said that we could not have picked a more un-glamorous topic for our conference. Others have said that the topic of “Dispute Resolution” lies at the root of every issue we face in The Lutheran Church Missouri Synod. I suppose that both of those observations are true, at least in some respect. So, a fair question seems to be, “why the topic of Dispute Resolution, and why now?”

At our first Free Conference (Kearney, Missouri, 2011), before the ACELC was officially formed, we introduced a list of ten errors that we had identified as being tolerated, supported, or promoted in the LCMS. Since that time we have devoted each of our Free Conferences to a single topic from that list. In 2012 the topic was Holy Communion, in 2013 the topic was Worship, in 2014 the topic was The Office of the Holy Ministry, in 2015 the topic was The Unbiblical Removal of Pastors from their Calls. Last year at the ACELC Business Meeting, considerable time was spent discussing the topic for this year’s conference. No doubt the on again, off again, on again case against Matthew Becker had some bearing on the final decision, but I believe there was much more on the minds of the voting ACELC delegates last year in Kansas City. From Free Conference to Free Conference, it became increasingly clear that there really is no biblical and confessional way to deal with conflict in the LCMS, at least according to the institution.

One of my goals heading into this conference was to help untangle the web that is Dispute Resolution in the LCMS today. Few (hopefully none!) of us do our daily devotions with the Synodical Handbook, although I have jokingly said that in order to be a District President today in the LCMS, it is a must. I contacted several past and present “high ranking” synodical officials with the simple request to explain to us how the Dispute Resolution process works, or is supposed to work, according to the Handbook. Everyone, including the Secretary of Synod, declined; some graciously, some not so graciously. I am very thankful to Rev. Kilps for taking on this daunting task, sharing with us and building upon his recent presentation at the ACL Conference in January. There is a reason why so few people in our Synod are using this process, as was highlighted by Attorney David Hawk, at that same ACL Conference. I would submit that the complexity of the current process is but one of the problems we face.

To know the history of the LCMS is to know that conflict and the question of how to resolve that conflict has been with us from the very beginning of our church body. Carl S. Munding, in his classic work *Government in the Missouri Synod*<sup>1</sup>, recounts in painstaking detail the events surrounding the Saxon emigration and the expulsion of Bishop/Pastor Martin Stephan from the group. To help us understand the historical background of conflict resolution in the LCMS, Dr. Noland will also expand upon his ACL Conference presentation. We have much to learn from our own history.

Some have said that we should return to the “old” adjudication process that served us so well for so many years. Other have said that maybe we should borrow a different process from one of the other confessional Lutheran church bodies. Rev. Preus will explore both topics in his presentation, with special attention to the issue of due process. And while it is important to look back and glean from the past, it is also important to diagnose not only the process but also the underlying theology behind the process. Only then can we offer biblical and confessional solutions. Pastors Henrickson, Nus, and Kuhlman will strive

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<sup>1</sup> Carl S. Munding, *Government in the Missouri Synod: The Genesis of Decentralized Government in the Missouri Synod*, (St. Louis: Concordia publishing House, 1947).

toward that end, while I try to wrap things up by way of a case study.

I am reminded of a telephone conversation I once had with LCMS Synodical President Matthew Harrison. President Harrison called me to talk about the work of the ACELC. He thanked me for waiting to send out our “Fraternal Admonition,” a document that was ready several months before the synodical convention in which he was elected. He thanked me for the churchly manner in which the ACELC had gone about its work. He had only one question, “Why didn’t you use the Dispute Resolution Process instead of sending out the Fraternal Admonition to every congregation in the Synod?”<sup>2</sup> I said, “Matt, you know why! The current Dispute Resolution Process is hopelessly broken, and is one of the ten errors we have documented. Everyone, I repeat everyone who has used the process in good faith has failed to get a fair hearing and eventually finds themselves on the outside looking in. Is that what you want for the ACELC?” After a long pause, he grudgingly agreed with my assessment. I then asked him what I consider to be the most important question of our conversation. I asked, “Matt, I know you are intimately familiar with our Errors Document; is there anything that we have said that is factually or theologically incorrect?” He immediately said, “No. Everything you have said is correct.”

One example of how the current system is hopelessly broken are the sad but true experiences of Rev. Tim Tolar and Star of the North Lutheran Church in Kenai, Alaska. Here, in Rev. Tolar’s own words, is a summary of their experience.<sup>3</sup>

The Dispute Resolution Process case was in response to actions and events which resulted from an improperly called meeting that was forced upon the congregation by a group of parishioners in cooperation with the Northwest District President, Alaska Regional Vice-President, and Alaska Circuit Counselor.

The meeting took place on May 7, 2006, and primarily involved two parishioners making accusations against me pertaining to my interaction with them and others as the pastor of Star of the North Lutheran Church. Both individuals stated that no one was claiming, nor wanted to claim, that I was a "bad pastor" and they even testified that I would be a "good pastor" at some other parish, but I just was not a "good match for Star of the North." There was no evidence provided to demonstrate any violation of sound doctrine or pastoral duties, but yet there was a supposed "vote" by some present at this meeting which asked me to "resign" as the pastor of Star of the North Lutheran Church or they would "rescind my call."

The President and Vice President of the Congregation both declared the meeting null and void because it violated the Parish Constitution and Bylaws, but the Northwest District President associated with them, claimed the meeting was valid and that the vote had removed me as the pastor of Star of the North Lutheran Church and also from the Office of the Holy Ministry.

There were of course many conversations with ecclesiastical supervisors, etc, during the following weeks while attempting to reconcile the various parties which were becoming

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<sup>2</sup> The ACELC has endured much criticism for the timing of the Fraternal Admonition. It was ready several months before the 2010 LCMS Synodical Convention, and after the many months of preparation there was a strong desire to send it out immediately upon completion. Rev. Harrison, well aware of our efforts, called me and strongly urged me to persuade the group to wait until the Convention had started before we would send it out to avoid the charge of trying to manipulate the election. I passed on his suggestion and we followed his timetable.

<sup>3</sup> Evidence of Errors-Dispute Resolution, 11-13. [www.ancelc.net](http://www.ancelc.net)

ever more polarized within the parish. Approximately two weeks after this May 7, 2006, meeting, the ensuing division within the parish was greatly increased by three individuals going to the local police department and filing a complaint against me "on behalf of Star of the North Lutheran Church" and threatening to call the police on Sunday to have me forcibly removed from the pulpit if I entered the building.

This escalation led to a severe schism that resulted in roughly half of the church and myself holding worship services in a parishioner's garage and my making formal request for a Dispute Resolution Process Panel.

In June 2006, I was notified by the District office that my family's Concordia Health Plan coverage had been cancelled and I would not be receiving any compensation from Star of the North Lutheran Church.

In August of 2006 the Northwest District President sent a synodically trained reconciler to chair a formal "reconciliation" meeting regarding the case and this reconciler told us that the purpose of the hearing was not to resolve the dispute or reconcile the parties, and that there was no way I would be reinstated as the pastor of Star of the North Lutheran Church due to the meeting.

The official report/decision of this Northwest reconciler stated the same position and led to me requesting a Dispute Resolution Process Panel be formed to hear and reconcile the case. We had a Dispute Resolution Process Panel convene in January of 2007 and they delivered their official decision in April of 2007. That decision declared that the actions taken against me were not in accord with the Holy Scriptures, the Lutheran Confessions, the LCMS Constitution and Bylaws, nor the Constitution and Bylaws of Star of the North Lutheran Church and thus should be "reconsidered and amended" by Star of the North Lutheran Church.

Unfortunately, this decision, in a subsection of the decision, listed several allegations of abuse and/or dereliction of duty against me that were never mentioned during the events leading to the Dispute Resolution Panel nor during the Dispute Resolution Process Panel hearing. I requested evidence or proof of these allegations as well as their source since nothing mentioning these allegations was contained in the record/evidence from the case. In fact, the evidential documentation that was provided by myself and Star of the North Lutheran Church for this Dispute Resolution Panel instead proved that these allegations made by the Dispute Resolution Process Panel were false.

The moderator/chair of the Dispute Resolution Process Panel responded to my inquiry by informing me that nothing would be provided to substantiate these allegations so I appealed this part of the Dispute Resolution Process Panel's official decision which resulted in a Dispute Resolution Process Review Panel hearing which took place in January of 2008.

The Dispute Resolution Process Review Panel issued a decision in May of 2008 which did not include the false allegations, and basically repeated the previous panel's declaration of the actions taken against me being null and void. The individuals who had seized the parish property through the threat of disrupting divine service by calling the police back in 2006 refused to acknowledge this decision and the Northwest District President refused to take any action to enforce the Dispute Resolution Process Panel decision and instead produced a document stating his opinion of the case as well as his opinion that I was no longer the

pastor of Star of the North Lutheran Church nor a holder of the Office of the Holy Ministry.

This resulted in the duly elected officers and dispossessed members of the parish attempting to gain control of the property and assets of the parish in the summer of 2008 in order to implement the Dispute Resolution Process Panel decision and hopefully facilitate a meeting of all parties to move toward reconciliation of the differences. This attempt to implement the Dispute Resolution Process Panel decision resulted in those opposed to me, along with the Northwest District Panel, Alaska Regional Vice-President, and Alaska Circuit Counselor plus legal counsel acquired by these individuals, attempting to bring criminal and/or civil suit against myself, the officers of the parish, and certain other individuals who supported me.

The civil/criminal suit initiated by those opposed to my serving as pastor of Star of the North Lutheran Church required the dispossessed (faithful) parishioners of Star of the North Lutheran Church and me to enlist the services of legal counsel and convinced us that the half-dozen or so congregational members (along with certain synodical officers) who were opposed to me serving as pastor of Star of the North Lutheran Church were willing to destroy the parish, as well as consume any and all assets the parish possessed, in order to prevent the faithful members from gaining control of the parish and/or have me serve as the pastor of Star of the North Lutheran Church.

Though we were told by our legal council that we could win the court case and that I had a solid case for wrongful termination, we believed the damage that would be done to the body of Christ, as well as the proclamation of His gospel in our community and beyond would be far too great if either action were initiated. Since for us the central issue from the beginning had been the pure proclamation of the Holy Gospel and the rightful administration of the Sacraments as instituted by our dear Lord Jesus Christ, the faithful members of Star of the North Lutheran Church chose to relinquish any claim to the property and/or name of the corporation known as Star of the North Lutheran Church.

This resulted in the case being settled out of court in the spring of 2009 with all claims being dropped and the dispossessed members of Star of the North Lutheran Church receiving a settlement from the opposing parties involved in the case. The faithful parishioners subsequently formed Saint Luke Lutheran Church (UAC) and issued a divine call asking me to shepherd them as their overseer. In the meantime I requested and received removal from the LCMS clergy roster, was received into membership of the Evangelical Lutheran Diocese of North America (ELDoNA), and accepted the divine call as pastor of Saint Luke.

*solī Deo gloria*, Rev. Tim H. Tolar

It is easy to see, from Rev. Tolar's words, the overlapping of several of the errors that the ACELC has identified. The Office of the Holy Ministry, The Unbiblical Removal of Pastors from their Calls, Ecclesiastical Supervision, Pure Doctrine, as well as The Dispute Resolution Process all come into play. There was complete disregard for due process and no one had the authority, or chose to use their authority, to implement any rendered decision. But I would submit that there is an even greater issue involved. Where is the chief article of the church, justification, in all of this? Once the "process" is initiated, the called pastor is effectively neutered of any and all ability to exercise The Office of the Keys. When the binding key is lost the loosening key is lost; in other words, there is no clear proclamation of the forgiveness of sins

since there is no clear call to repentance. The Word of God and The Lutheran Confessions are lost, or at least rendered an afterthought; Lord have mercy!

This fact has been stated very clearly by the Rev. Wallace Schulz, in the aftermath of the infamous “Benke Case” following the even more infamous “Yankee Stadium” event. He sums up the matter in a May 11, 2003, letter to LCMS Secretary Raymond Hartwig:<sup>4</sup>

“I am also deeply shocked, as I am sure others will be, that the Panel states: ‘Rev. Wallace Schulz went on to present a very thorough argument concerning the charges on the basis of the Holy Scriptures alone,’ after which the Panel immediately writes: ‘However,’ and then maintains that this case had to be determined on the basis of an LCMS convention resolution. In fact, the Panel’s decision makes over 25 references to the controversial resolution and an additional 35 references to bylaws but fails to make even a single reference to the Holy Scriptures! In other words, even though this case involves a very serious offense against God’s First Commandment and must therefore be dealt with on the basis of God’s Word, the Panel has decided to rule on the basis of a man-made resolution! In its decision the Panel has clearly violated the Constitution of The Lutheran Church–Missouri Synod and sinned against the Word of God, since Article VIII of the LCMS Constitution states ‘All matters of doctrine and conscience shall be decided only by the Word of God.’

“If the Panel’s decision is permitted to stand unchallenged, its impact will reach far beyond the Benke case, fundamentally changing our Synod and leading it to resolve spiritual issues on the basis of men’s opinions rather than God’s Word.”

May God preserve us from such a fate, and may God bless our Conference as we strive to be faithful to His holy and precious Word in both doctrine and practice.

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<sup>4</sup> Evidence of Errors-Dispute Resolution, 17. [www.acecl.net](http://www.acecl.net)