

The **LUTHERAN** **CLARION**



The below article appeared in the May and July 2017 issues of the *Lutheran Clarion*:

The LCMS District Presidents and their Powers

Pastors and congregational chairmen may have noticed that the *2016 Handbook* of The Lutheran Church—Missouri Synod (hereafter LCMS), containing its current Constitution, Bylaws, and Articles of Incorporation, is now available in electronic but **not in print form**.¹ This is because the 2016 convention did not decide how to revise Bylaws 2.14-2.17 or how to resolve the complex issues those bylaws entail. Instead, by means of Resolution 12-14 (Regarding the Right of an Accuser to Appeal when a District President or President of the Synod Fails to Act or Declines to Suspend), the convention gave those tasks to the LCMS Board of Directors and Council of Presidents, which are still busy with that work.²

What are the complex issues that made decisions about Bylaws 2.14-2.17 so difficult for the convention? They have chiefly to do with the synodical expulsion process³ and who is authorized to carry it out. Since 2004, cases of expulsion of congregations or church-workers from the synod⁴ are administered by district presidents—who may terminate those cases preemptively—while cases not terminated are decided by panels of two district presidents and one reconciler. Expulsion cases that are appealed are decided by panels of three district presidents. This means that district presidents are heavily involved in deciding all cases of restriction, suspension, and expulsion in their own districts, as well as cases in our other districts.

What is the problem with district presidents preemptively terminating some expulsion cases and deciding other cases? The problem is explained by the principle known as the “separation of powers,” about which every U.S. citizen should have learned something in high school. LCMS district presidents, along with the synodical president, possess and assert the executive powers of the LCMS. Expulsion cases are the most significant judicial powers of the LCMS. Having the same persons exercise **both** powers results in a “union of powers,” which union is an opportunity for tyranny.

After explaining the functions of the three powers in a simple way, Alexander Hamilton wrote in *The Federalist* in 1788:

This simple view of the matter suggests several important consequences. It proves incontestably, that the judiciary is beyond comparison the weakest of the three departments of power; that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks. . . . For I agree [with Montesquieu] that ‘there is no liberty, if the power of judging be not separated from the legislative and executive powers.’⁵

In the present bylaws of the LCMS, not only is the judicial power the weakest of the three powers in the synod, but the judicial power of expulsion is also subsumed under the executive

powers in the person of the district president.

Because of the union of powers in our present system, the judicial process can be corrupted in at least two ways. First, a district president may use his judicial powers in a “pardoning way” to preemptively terminate cases, thereby causing those whom he pardons to become his indebted protégés.⁶ This is, perhaps, the easiest way for a district president to create a political faction of personal support to continue his tenure in office and to ease his favorite proposals through the legislative branch—i.e., the district conventions. Second, a district president may use his judicial powers in a “punitive way” to ensure that: a) his political rivals, b) any opponents to his policies, and c) other people whom he simply doesn’t like—get poor treatment, and even banishment from the church, through the restriction, suspension, and expulsion processes.⁷

How did the LCMS end up with a judicial system that contradicts one of the fundamental principles of democracy and the liberties of a free Christian people? I have explained the history of our church judicial system in a lecture given to the Lutheran Concerns Association (LCA)⁸ and, in revised form, to the Association of Confessing Evangelical Lutheran Congregations (ACELC).⁹ I have defined the basic periods in that history by the criterion of who decided judicial cases. Judicial cases were decided by district or synodical conventions with ad hoc committees from 1847 to 1941; by independent judicial boards of adjudication and appeal from 1941 to 1992; by Dispute Resolution Reconcilers appointed by District Board of Directors, from 1992 to 2004; and by district presidents and Reconcilers since 2004.

Why did the synod make such drastic changes in its judicial system in 1941, 1992, and 2004? In the years prior to 1941, the synod witnessed its beloved president, Johann Friedrich Pfothenhauer (1859-1935; president 1911-35), under attack because of his handling of the Brux case.¹⁰ In my opinion, after Pfothenhauer was not re-elected in 1935, the synod deemed it wise to separate the president from judicial cases, so that persons under discipline by the synod would have no cause to attack the synod president and imperil his work or tenure in office.

Prior to the 1992 revisions to the judicial system, the synod witnessed one of its beloved seminary presidents, Robert D. Preus (1924-95; seminary president 1974-89), being stripped of office without due cause and contrary to the synod bylaws. When the independent Commission on Appeals ruled in favor of Preus in May 1992, the synodical president refused to support their decision. Instead President Bohlmann set in motion a process to eliminate the independent judicial boards of adjudication and appeals. The last sentence is too simplistic. It is better to say that the **complete system** of adjudication and appeals was terminated at the 1992 convention.

The impetus for this radical change is indicated in the preface to 1992 Resolution 5-01B, where it states: “In January 1990 the President of the Synod appointed a task force to study the matter of conflict resolution and to make appropriate recommendations.”¹¹ To put matters simply, President Bohlmann was involved with the Robert Preus case and it appeared that pastors and laymen out in the field were very supportive of Preus. So instead of accepting the rulings of the judicial organs of synod, Bohlmann got rid of the officers on those commissions by eliminating the commissions, and then created something new without the separation of powers so beloved by the founding fathers of the United States of America.

Although the new Dispute Resolution Process, adopted in July 1992, claimed to be less

costly and more biblical, the decisions of the Reconcilers were actually controlled by the *ex parte*¹² rulings of the Commission on Theology and Church Relations (CTCR) and the Commission on Constitutional Matters (CCM). Ever since 1992, if the CTCR or CCM¹³ were consulted in a judicial case, the rulings of the CTCR or CCM were binding.¹⁴ It should be noted that, prior to 1992, CCM and CTCR only gave “advisory opinions,” not binding rulings.¹⁵ Ever since 1992, CTCR judicial rulings may not be appealed, so its judicial rulings are absolute. Unlike the CTCR rulings, CCM judicial rulings may be appealed through a convention of synod, though such actions are rare.¹⁶ Thus, after 1992, any expulsion decision could at various times during the process be controlled by the CCM, whose members are appointed by the synodical president from a list of nominees created by the Council of Presidents,¹⁷ or by the CTCR, whose members are appointed by several different parties including the synodical president and Council of Presidents.¹⁸

When it later became evident that expulsion cases were an entirely different matter than “dispute resolution,” the synod again revised its judicial system in 2004 to separate the two processes. It then gave the powers of judging expulsion cases to the district presidents. “Reconcilers” then dealt primarily with “dispute resolution” cases, unless they were called to serve on an expulsion case with two district presidents. The power of the CCM and CTCR to make binding decisions in judicial cases was not changed in 2004. The result is that the LCMS now has a type of “episcopal polity” in its judicial department, in that judicial decisions are made by district presidents—who are the LCMS equivalent of bishops, and by CCM and CTCR members when they are consulted.

Three other issues stick out “like a sore thumb” with respect to the powers of district presidents. First, there are cases where a district president has undue control over the call process of congregations.¹⁹ Most of the time this is due to the ignorance of a call committee regarding their rights under the synodical constitution and bylaws, but it is the job of the district president to inform them of those rights, not to take advantage of their ignorance. Second, neither the synodical president nor the synodical convention had a process by which it may discipline an erring district president.²⁰ In its May 2017 meeting, Synod's Board of Directors made bylaw changes under the authority of 2016 Milwaukee Resolution 12-14. Third, the Council of Presidents has an excessive number of appointment powers, which should be reviewed as soon as possible.²¹

How did the LCMS, which began with a thoroughgoing “congregational-synodical polity,”²² end up in this state of affairs? One of our most astute church historians, the Rev. Dr. John C. Wohlrabe, Jr.—also the LCMS 2nd Vice-President, has recently authored an article titled “Distractions and Repercussions of the Liturgical Movement in Mid-20th Century Missouri Synod”²³ that suggests some of the origins for our “episcopal drift”—this is my term, not his.

Wohlrabe observes that two publications supported episcopal polity as early as 1936: the *American Lutheran*—published by the American Lutheran Publicity Bureau (ALPB) and *Una Sancta*—edited by the Rev. Berthold von Schenk from 1954.²⁴ Authors who supported episcopal polity in those journals included: Harry Hodges, Howard Kunkle, the Rev. Berthold von Schenk, and the Rev. Dr. Arthur Carl Piepkorn. Piepkorn stated that the episcopate is part of the *bene esse* (i.e., good) of the church, but is not necessary for the church's essence or the validity of its sacraments.²⁵ In spite of this qualification, no one could miss Piepkorn's contention that the Lutheran church would be better served with bishops.

Prior to these theological developments, the eastern districts of the LCMS began to exert a

measure of independence from the national body of the LCMS. Wohlrabe notes that during World War I, several of the men associated with the ALPB, particularly the Rev. Paul Lindemann, editor of the ALBP *American Lutheran*, reacted strongly against the actions of the LCMS Army and Navy Board when it refused to cooperate with the pan-Lutheran “National Lutheran Commission for Soldier and Sailor Welfare” (NLCSSW; organized October 1917).²⁶ In January 1918, the New York Pastoral Conference of the LCMS held a “mass meeting” to protest the synod board’s action, with the result that the eastern Missouri Synod Lutherans appointed *their own* Army and Navy Board to call their own camp pastors and cooperate independently with the NLCSSW.²⁷

This incident bears closer study. The LCMS Army and Navy Board was simply applying the long-standing rule, found in LCMS Constitution VI.2c, that synod and its members would not participate in “heterodox missionary activities,” and in fact even renounce such activities. The NLCSSW work, though well-intentioned, was missionary activity. Its members included the synods that were soon thereafter associated with the “National Lutheran Council” (founded September 1918). These synods were the General Synod, the General Council, the United Synod of the South, the Ohio Synod, the Iowa Synod, the Augustana Synod, the Norwegian Lutheran Church, the Lutheran Free Church, and the Danish Ev. Lutheran Church in America.

How could the eastern Missouri Synod Lutherans justify this blatant disregard of the synodical will and the synodical constitution? In my opinion, the elevation of the status of the district president in the LCMS coincided with the greater independence of the eastern districts, because the former phenomenon justified the latter. Where district presidents were viewed as *de facto* bishops, their district members increasingly looked to them for doctrinal and practical guidance, instead of to the synod as a whole. The synod was then increasingly viewed by such people as a federation of districts, instead of as a doctrinally-cohesive-synod administered by district representatives of the synodical convention and its officers. The “federation” view was sure to cause mischief, as indeed it has.

One example of such mischief was the situation that faced the synod when John Tietjen was installed as president of the Concordia Seminary in Saint Louis in September 1969. He had been a member of the English District since his ordination in 1953 and remained in that district when he accepted the seminary call to be president. In his memoirs, Tietjen admits that:

Not only did I identify with the progressive direction of the English District but I also assumed, based on experience during my parish ministry when a neighboring pastor tried to remove me from office, that I could count on the leaders of the English District to assure me fair treatment in the event of any trouble.²⁸

In other words, in those days, the English District was a “safe haven” for those with “progressive” (i.e., liberal) views.

Another example of mischief was the LCMS adoption of altar and pulpit fellowship with the American Lutheran Church in 1969. Though the declaration of fellowship between the LCMS and ALC is common knowledge, there are few folks who know its cause and impetus. This is seen clearly, however, in 1969 Resolution 3-15 which quotes the “Recommendation of President [Oliver Harms] and Council of [District] Presidents on ALC Fellowship” stating:

Our prolonged study and discussion has produced the conviction that we [i.e., the LCMS and ALC] agree in the preaching of the Gospel ‘in conformity with a pure understanding of it’ and in the administration of the sacraments ‘according to the

divine Word.’²⁹

What business did these district presidents have in reviewing the theological stance and practices of these two church-bodies and making fellowship recommendations to the LCMS? It would have been proper for a commission, such as the CTCR, or the joint faculties of the seminaries, but not for district presidents, whose job is to administer the doctrine of the synod, not to create or revise it. In my opinion, the district presidents were chosen for this task by the advocates of ALC fellowship because, as said previously, “district members increasingly looked to [district presidents] for doctrinal and practical guidance, instead of to the synod as a whole.”

A third example of such mischief was the ordination of Seminex seminary graduates, beginning in summer 1974, by eight district presidents, contrary to the synod bylaws. When the 1975 Anaheim convention of the LCMS censured the eight district presidents and authorized their removal from office, President J.A.O. Preus followed up with a process of discipline, resulting in the removal of these district presidents: Herman Frincke of the Eastern District, Harold Hecht of the English District, Rudolph Ressemeyer of the Atlantic District, and Robert Riedel of the New England District.³⁰ It is no accident that three of the four districts affected were the same districts involved in the 1918 “Eastern Department” Army and Navy Board, almost sixty years previous.

A fourth example of such mischief is in the creation of the Council of Presidents in the 1960s and its gradual acquisition of more and more authority in the synod.³¹ According to the present bylaws, the synodical president and the Council of Presidents “advise and counsel” each other in matters of the doctrine and administration of the synod.³² This means in practice that we have two competing executive powers at the synod level: 1) the synod president, elected by the national convention; 2) the district presidents as a corporate body, elected severally by the district conventions. This weakens the unity of the synod, though that may not have been the intention of the creators of this Council.

A fifth example of such mischief is how the districts now are the “gatekeepers” for synodical operating revenues. In fiscal year 2016, the synod received, for unrestricted use, only 12.8% of the congregational offerings that were received by all of its districts.³³ The other 87.2% of those offerings were kept by the districts for district staff and district programs. So where is the national synod supposed to get the funds to operate its seminaries, universities, and international missions?

All of this should not be taken as disregard for the necessary and God-pleasing work of district presidents in the LCMS. In many and various ways, they serve the congregations and church-workers of the synod. Most of our district presidents serve diligently, tirelessly, with distinction, and with genuine concern for the doctrine and the mission of the church. We thank God for such faithful laborers, even as we keep an eye on the necessary limits to their powers!

Rev. Dr. Martin R. Noland

Pastor, Grace Lutheran Church, San Mateo, California

- 1 See <http://www.lcms.org/handbook> for a free electronic copy of the February 2017 edition of the *2016 Handbook*; accessed March 3, 2017.
- 2 The preface to the February 2017 edition of the *2016 Handbook* explains the situation with these words: “The convention did not complete revisions to Bylaw Sections 2.14–2.17, necessitated by opinions of the

Commission on Constitutional Matters having to do with who has the authority to suspend a member. Instead, by Res. 12-14, it directed the Secretary to consult with the Council of Presidents and develop new bylaws consonant with the Constitution on this point (see CCM Op. 16-2791, 16-2794). As the required consultation is still ongoing, the adoption of these bylaw changes by the Board of Directors (under Bylaw 7.1.2) must wait. Until that time, procedural guidance for Bylaw Sections 2.14–2.17 is to be sought in the corresponding *Standard Operating Procedures Manuals* or from the Office of the Secretary. Because the Res. 12-14 bylaw revision process is still underway, print publication of the 2016 *Handbook* has been delayed.” (p. 10). For Resolution 12-14, see LCMS, *Convention Proceedings: 66th Regular Convention of the Lutheran Church—Missouri Synod, Milwaukee, WI, July 9-14, 2016* (St. Louis: LCMS, 2016), 233. These proceedings are available for free in electronic form here: <https://www.lcms.org/Document.fdoc?src=lcms&id=4344> ; accessed March 3, 2017.

- 3 On the dispute resolution and expulsion process in the LCMS, see my paper “The LCMS Dispute/Expulsion Process” published for free in electronic form here: <http://steadfastlutherans.org/2014/10/problems-with-2013-disputeexpulsion-system> ; accessed March 3, 2017. You need to be aware that the flow chart in that paper was based on the 2013 bylaws of synod and have not been revised to reflect any bylaw revisions made at the 2016 convention. The 2013 bylaws are found in: *Handbook: Constitution, Bylaws, and Articles of Incorporation, The Lutheran Church—Missouri Synod* (Saint Louis: LCMS, 2013) (hereafter “2013 *Handbook*”). Bylaw citations refer to this edition, unless otherwise noted.
- 4 Such cases are governed by Bylaw Sections 2.14 or 2.17. Cases in which a district president or synodical officer is being considered for expulsion are governed by Bylaw Section 2.15; in those cases, two district presidents and one reconciler decide the case as a Hearing Panel, and three district presidents decide the case if it goes to the Appeal Panel. A case in which the synod president is considered for expulsion is governed by Bylaw Section 2.16, and only district presidents are involved in that decision at either the Hearing or Appeal levels.
- 5 See Federalist Paper #78 (June 14, 1788), paragraph 8; quote from: Alexander Hamilton, John Jay, and James Madison, *The Federalist: A Commentary on the Constitution of the United States*, ed. Robert Scigliano (New York: Modern Library, 2000), 496-497; on the separation of power, see *ibid.*, 48, 225-226, 307-315, 423-424, 478-479, 496-497, and 523. It should be noted that Hamilton does not argue that the three powers should be “totally separate and distinct” (p. 314), but that the fundamental principles of a free constitution are subverted where “the whole power of one department is exercised by the same hands which possess the whole power of another department” (pp. 309-310). Since the whole power of judicial expulsion in the LCMS is exercised by the same hands which possess the whole power of the LCMS executive department, Hamilton’s warning applies to the LCMS constitution and bylaws in their present state.
- 6 The classic example of an LCMS district president preemptively terminating a case in a “pardoning way” was the Matthew Becker Case, which is explained in detail in: Martin R. Noland, “Doctrinal Supervision and the Becker Case,” *The Lutheran Clarion* 7 no. 5 (May 2015): 1-5; this issue is available for free in electronic form here: <http://lutheranclarion.org/images/NewsletterMay2015.pdf> ; accessed March 3, 2017.
- 7 The classic example of an LCMS synodical president, who holds the executive powers, interfering with and overpowering the judicial powers in a “punitive way” was the Robert Preus case, which is explained in detail in several documents, including: Texas Confessional Lutherans, *Anarchy* (Brenham, TX: Texas Confessional Lutherans, May 1992) [undersigned by Harold H. Buls, Daniel G. Reuning, and Richard E. Muller]; Robert Hirsch, Gilbert E. LaHaine, Harold M. Olsen, Lester W. Schulz, and Rev. Richard L. Thompson, “A Report to 1992 Convention Delegates from Five Members of the LCMS Board of Directors” (n.p., June 1992); n.a., “A Response to the ‘Report of the Praesidium’ on the Robert Preus Case Sent to the Delegates” (n.p., July 1992); *Balance News* (August 1990), 1-22; and “Commission on Appeals Responds to Synodical President’s Special Floor Committee 11” (June 27, 1972); and the official report: “Decision of Commission on Appeals, in the case of Ralph A. Bohlmann, August T. Mennicke, Robert H. King, Robert C. Sauer, Eugene W. Bunkowske, and Walter A. Maier, plaintiffs vs. Robert Preus, defendant” (May 31, 1992). It should be noted

that many district presidents were involved in this case, even to the point of meeting with and attempting to intimidate members of the Commission on Appeals who heard the Robert Preus case. President Ralph Bohlmann had also called in the entire Commission on Appeals to Saint Louis for a “lecture.” The noted summoning to Saint Louis of the Commission on Appeals by President Bohlmann before the commission ever received the appeal of Robert Preus did not, in the opinion of this writer, seem to have affected the judicial independence of the Commission on Appeals given the commission’s later decision.

- 8 See Martin R. Noland, “A Brief History of the Justice and Disciplinary System of the Lutheran Church—Missouri Synod,” a lecture given to the Lutheran Concerns Association at Fort Wayne, Indiana, on January 18, 2016, which is available for free viewing on Vimeo video here: <https://player.vimeo.com/video/158239096> ; accessed March 3, 2017.
- 9 See Martin R. Noland, “A Short History of the Discipline and Dispute Resolution System of The Lutheran Church—Missouri Synod” (hereafter “A Short History”), a lecture given to the Association of Confessing Evangelical Lutheran Congregations at Nashville, Tennessee on April 26, 2016, which is available for free in electronic format here: <http://mychurchwebsite.s3.amazonaws.com/c2001/martynoland-shorthistoryofdisciplineanddisputeresolution.pdf> and for free viewing on YouTube video here: <https://youtu.be/0FvOEOxHM4s> ; accessed March 3, 2017.
- 10 On the Adolph Brux case, see F. Dean Lueking, *Mission in the Making: The Missionary Enterprise among Missouri Synod Lutherans 1846-1963* (St. Louis: CPH, 1964), 270-276; Herbert M. Zorn, *Much Cause for Joy—and Some for Learning: A Report on 75 Years of Mission in India* (Malappuram, Kerala State, India: M.E.L.I.M., 1970), 28, 31-32; Mark E. Braun, *A Tale of Two Synods: Events that Led to the Split Between Wisconsin and Missouri* (Milwaukee: Northwestern Publishing House, 2003), 132-138; Jack T. Robinson, “The Brux Case,” *Currents in Theology and Mission* 4 (June 1977): 143-150; Adolph Brux, *An Appeal to Synod with History of Case Including Charges against Board of Foreign Missions and Its General Secretary and Charges against the President of Synod* (Racine, WI: 1934); and Adolph Brux, *Christian Prayer-Fellowship and Unionism: An Investigation of our Synodical Position with Respect to Prayer-Fellowship with Christians of Other Denominations* (Racine, WI: 1935).
- 11 See LCMS, *Convention Proceedings: 58th Regular Convention of the Lutheran Church—Missouri Synod, Pittsburgh, PA, July 10-17, 1992* [St. Louis: LCMS, 1992], 141.
- 12 On the matter of *ex parte*, see the letter from Springfield, Illinois attorney Harold M. Olsen to Ralph Bohlmann, April 5, 1990, with regard to “The Presidency/Adjudication/Supervision.” Mr. Olsen served on the Board of Directors for The Lutheran Church—Missouri Synod in St. Louis from 1977-1992. He was a lawyer for the Central Illinois District of The Lutheran Church—Missouri Synod and the Central Illinois District Church Extension Fund and served many congregations in the Central Illinois District.
- 13 My criticisms of the 1992 revisions to the LCMS judicial system may be found in: Martin R. Noland, “Law and Due Process in the Kingdom of the Left and the Kingdom of the Right,” in John R. Stephenson, ed., *God and Caesar Revisited: Luther Academy Conference Papers No. 1* (Shorewood, MN: The Luther Academy, 1995). I also analyzed how the dispute resolution system pertained to the powers of district presidents in: Martin R. Noland, “District Presidents and their Council: Biblical and Confessional Limitations,” in John R. Fehrmann and Daniel Preus, eds., *Church Polity and Politics: Papers presented at the Congress on the Lutheran Confessions, Itasca, Illinois, April 3-5, 1997* (Crestwood, MO: Luther Academy, 1997), 156-172.
- 14 See Bylaw 8.21i, in *Handbook of The Lutheran Church—Missouri Synod, 1992 Edition* (Saint Louis: LCMS, 1992), 130 (hereafter “1992 Handbook”). The binding character of CCM and CTCR rulings, which are called “opinions,” continues in the current bylaws throughout the sections on Dispute Resolution and Expulsion. See the *2013 Handbook*: Bylaw 1.10.5b (p.43), Bylaw 1.10.8 (p. 46), Bylaw 1.10.18.1h (p. 54), Bylaw 2.14.3a (p. 72), Bylaw 2.14.7.8l (p. 76), Bylaw 2.14.9b (p. 80), Bylaw 2.15.3a (p. 81), Bylaw 2.15.7.9c (pp. 85-86), Bylaw 2.15.9b (p. 88), Bylaw 2.16.3a (p. 89-90), Bylaw 2.16.8b (p. 94), Bylaw 2.17.4.1c (p. 97), Bylaw 2.17.7.9c (pp. 99-100), and Bylaw 2.17.9b (p. 102). These 2013 bylaws are the same as the bylaws in the February 2017 edition of the *2016 Handbook*, except Bylaw 2.14.7.8l is now renumbered as Bylaw 2.14.7.8k.

- 15** The matter of the authority of the “advisory opinions” of the CCM and CTCR was greatly debated within the synodical organs of government in the period of 1989 to 1992. The bylaw giving this advisory authority to the CCM and CTCR was Bylaw 8.51f (see *Handbook of The Lutheran Church—Missouri Synod, 1989 Edition* [Saint Louis: LCMS, 1989], 133-134). The CCM and the Commission on Appeals had polar opposite ideas as to what the term “advisory opinion” meant. The Commission on Appeals unanimously asserted that “advisory” meant precisely that and cited court cases, etc., buttressing their position. At the time, the Commission on Appeals included the membership of four practicing attorneys and one former attorney who became ordained. The CCM took the position that an “advisory opinion” by it was binding and had to be followed. The CCM position became synodical “law” with the new bylaws for dispute resolution adopted in 1992.
- 16** On the process for overturning a CCM ruling, see Bylaw 3.9.2.2c (2013 *Handbook*, p. 146). The only occasion since 1992 in which a CCM ruling has been overturned is, to my knowledge, 2010 Resolution 7-02 (see LCMS, *Convention Proceedings: 64th Regular Convention of the Lutheran Church—Missouri Synod, Houston, TX, July 10-17, 2010* [St. Louis: LCMS, 2010], 145-148). This resolution pertained to the CCM rulings which granted immunity to a member of synod when his ecclesiastical supervisor approved an action that might be construed, or was actually, contrary to the Scriptures, Lutheran Confessions, Constitution or Bylaws of the synod
- 17** See 1992 *Handbook*, Bylaw 3.903, pp. 67-68. The Commission on Constitutional Matters members were nominated by district boards of directors, which nominees were then presented to the Council of Presidents for selection, who then presented their slate of five final nominees to the President of Synod for appointment to the open position.
- 18** See 1992 *Handbook*, Bylaw 3.921, pp. 70-71. The Commission on Theology and Church Relations was selected as follows: five members from the synod convention; four members from the Council of Presidents; two seminary faculty members from each seminary, elected by their respective faculties; two members appointed by the president of the synod; one member from one of the synodical universities appointed by the president of the synod; with these advisory members: president and 1st vice-president of the synod, and both seminary presidents.
- 19** For example, see Martin R. Noland, “Reforming LCMS Polity and Practice,” *Lutheran Clarion* 8 no. 2 (November 2015): 2-3; this issue is available for free in electronic form here: <http://lutheranclarion.org/images/NewsletterNov2015.pdf> ; accessed March 3, 2017.
- 20** See Martin R. Noland, “A Primer on Doctrinal Supervision in the LCMS,” *Lutheran Clarion* 8 no. 6 (May 2016): 9; this issue is available for free in electronic form here: <http://lutheranclarion.org/images/NewsletterMay2016.pdf> ; accessed March 3, 2017.
- 21** On the appointment powers of the Council of Presidents, see Martin R. Noland, “District Presidents and their Council: Biblical and Confessional Limitations,” in John R. Fehrmann and Daniel Preus, eds., *Church Polity and Politics*, 170.
- 22** On the history of the origins of LCMS congregational polity, see Carl S. Munding, *Government in the Missouri Synod: The Genesis of Decentralized Government in the Missouri Synod* (St. Louis: CPH, 1947).
- 23** See John C. Wohlrabe, “Distractions and Repercussions of the Liturgical Movement in Mid-20th Century Missouri Synod,” *Concordia Historical Institute Quarterly* 89 no. 3 (Fall 2016): 45-65. Similar work by Dr. Wohlrabe can be found in his abridged dissertation, published as: *Ministry in Missouri until 1962: An Historical Analysis of the Doctrine of the Ministry in the Lutheran Church—Missouri Synod* (n.p., 1992); and John C. Wohlrabe, “On The Way to Episcopé: Resolution 8-01A of the 2004 LCMS Convention in the Light of Synodical History,” which is available for free in electronic form here: <https://web.archive.org/web/20041204103522/http://www.consensuslutheran.org/downloads/wohlabemelrosepark2004.pdf>; accessed March 3, 2017.
- 24** The journal *Una Sancta* was published from 1940 to 1970. The journal *American Lutheran* was published from 1918 to 1967, when it was replaced by the present ALPB journal *Lutheran Forum*. For a bit of history on

the relationship between the ALPB and these journals, see Richard O. Johnson, "Lutheran Forum: Advocating an Evangelical Catholic Lutheranism," *Currents in Theology and Mission* 43 no. 1 (January 2016): 12-13; available for free in electronic form here:

<http://www.currentsjournal.org/index.php/currents/article/download/5/28>; accessed March 3, 2017.

- 25 Wohlrabe, "Distractions and Repercussions of the Liturgical Movement..." 59.
- 26 Wohlrabe, "Distractions and Repercussions of the Liturgical Movement..." 47.
- 27 Wohlrabe, "Distractions and Repercussions of the Liturgical Movement..." 47; on the independent eastern military chaplains' board, called "The Lutheran Church Board for Army and Navy—Eastern Department," see Karl Kretzmann, *The Atlantic District of the Evangelical Lutheran Synod of Missouri, Ohio, and Other States* (Erie, PA: Erie Printing, 1932), 104-105.
- 28 John H. Tietjen, *Memoirs in Exile: Confessional Hope and Institutional Conflict* (Minneapolis: Fortress Press, 1990), 21.
- 29 August R. Suelflow, *Heritage in Motion: Readings in the History of The Lutheran Church—Missouri Synod* (Saint Louis: Concordia Publishing House, 1998), 119; quoted from LCMS Convention Proceedings, 1969, Resolution 3-15, pages 96-99.
- 30 Tietjen, *Memoirs in Exile*, 268; on the full story of the eight district presidents and the disciplining process administered by J.A.O. Preus, see Tietjen, *Memoirs in Exile*, 244-268.
- 31 In regard to the Council of Presidents, see my essay: "District Presidents and their Council: Biblical and Confessional Limitations," in John R. Fehrmann and Daniel Preus, eds., *Church Polity and Politics*, 156-172.
- 32 Bylaw 3.10.1.2, *2013 Handbook*, 154.
- 33 See Jerald C. Wulf, "Nervous & Cautious," *The Lutheran Witness* 135 no. 11 (November 2016): 8.