

# The **LUTHERAN** **CLARION**



Lutheran Concerns Association

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## Reconciliation, Adjudication, and Appeal Pre -July 1992— A Gold Standard Trashed (Part I)

The below article is a presentation that Mr. Walter Dissen, Esq., gave at the 2016 Lutheran Concerns Association Conference on January 18, 2016, in Fort Wayne, IN. Part II of the article will be published in a future issue.

“Dispute Resolution of the Synod” is the title of Section 1.10 in the Synodical Handbook of 2013. In 1989 Chapter VIII of the Synodical Bylaws was titled, “Reconciliation, Adjudication, and Appeal.” There are indeed some major differences between the noted bylaws. In my opinion the 1989 Bylaws on Reconciliation, Adjudication and Appeal, which system had worked well for many years, are superior to the dispute resolution system adopted at

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the 1992 Synodical Convention at Pittsburgh, PA, although I have not been a reconciler under the new system or an advisor to any proceeding thereunder. However, I did serve on Synod’s Commission on Appeals (COA) from 1983-1995. Please note that although the new reconciliation system was adopted

in 1992, provision had to be made for any cases in process, thus cases already in process continued to be governed by the pre-1992 system.

You might wonder why, if the old system was superior, Synod went to its present system. There are multiple reasons and the weighting given to each reason will depend on who you talk to. High on the list would be a lackadaisical attitude by clergy, laity and congregations as a whole. It reminds me of the general attitude of the Synod that prevailed in the 1950’s and especially the 1960’s toward what the majority of the faculty at Concordia Seminary—St. Louis then taught, believed and confessed. Another high ranking factor was certain office holders in Synod as well as the then district presidents. It is possible that more than one attendee today could relate to that for some attendees likely were active in Synod prior to 1992.

Another high ranking factor, like it or not, was “power”. One definition of that is “the ability to do something in a particular way” and another is “the capacity or ability to direct or influence the behavior of others or the course of events.” Often

associated with power is “control” which has been defined as “the power to direct or influence the behavior of others or the course of events” (New Oxford American Dictionary). Not to be overlooked either is that over a period of time prior to 1992 there were some high profile cases that entered the Synod’s Reconciliation, Adjudication and Appeal Process not the least of which was the appeal of the ouster of the Rev. Dr. Robert Preus as president of Concordia Theological Seminary (CTS). Several decisions of the COA, that Commission having five pastors and four laymen all being elected at Synodical Conventions, were not well received by officialdom of the Synod even if the decision was unanimous as in the Dr. Robert Preus Case. Another unanimous decision was that of the COA which, at the request of then Synodical President Bohlmann, opened the sealed record at Concordia Historical Institute in a case involving Rev. Herman Otten. The then Bylaws gave that power to the COA. In examining the record of that case, a stipulation of Concordia Seminary was found wherein that Seminary stipulated that IT would bear the burden of proof. The much earlier COA in the decision reviewed had a tie vote. Clearly, with a tie vote Concordia Seminary had not borne the burden of proof and on review of the record of the case the later reviewing COA unanimously held that Rev. Herman Otten was the prevailing party. That decision was not well received in certain quarters.

In one case heard by the COA, its decision was felt by a very fine District President to have cast him in a bad light although the case commenced under his predecessor. No request for a re-hearing was made. Well after time for that passed I met with the then District President face-to-face in his office and was told that the President of the Synod had suggested to the District President that he not honor the decision, however, the District President said to me that he told the Synodical President the Fourth Commandment applied and he would honor the decision. A former District President who had served on the COA and knew the case facts wrote me saying, “I was pleased that your Commission requested forthrightly that [name deleted] be restored to the roster. You owe no apology.” In his opening paragraph he wrote, “If ever there was a case rife with intrigue and unfairness, it was....” [the subject case]. That writer also felt the new District President “...did what needed to be done to preserve a good conscience...” but had the case “...dumped into his lap...”<sup>1</sup> There is also to be considered the dispute between the COA and the Commission on Constitutional Matters (CCM) which included what the meaning of a CCM ‘advisory

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opinion' was. That was and is no trifling matter and much attention was given it.

The 1992 Synodical Convention Workbook contains, among many reports, the report of the Synodical President, the COA,<sup>2</sup> the Commission on Adjudication and the CCM as well as a memorial of the COA. I do not see how a person can understand the actions of the 1992 Synodical Convention without reading and studying these reports and memorials. It is and was sad that the adjudication decisions did not get published let alone the pleadings.

To my recollection, the 1992 COA Convention Workbook Report was adopted without objection. No minority report appeared. That report states that, "Reconciliation is always sought; however, the simple truth is that the dispute would never have reached the adjudicatory stage, much less the appellate stage had reconciliation been achieved." The COA also noted, "While an appeal to the COA is the last avenue of appeal in the adjudicatory system, the COA is not a 'supreme court' nor has it claimed such a role. Use of that term by others is unfortunate and undesirable."

In its said Report, the COA stated its tally showed ten cases handled by the COA as of January 11, 1992, with 24 procedural inquiries and 43 requests with questions for information. Eight in-person meetings were held and there were 23 telephone conference calls as of that date for the triennium. "Legal counsel was not always used by all parties in perfecting an appeal although that was the exception. With rare exceptions, the Synod or District always used legal counsel. Such legal counsel were not always members of member congregations of the Synod as required by the Synod's By-laws if such counsel addresses doctrinal matters (cf. bylaw 8.51 j)." (Note: these were the 1989 Bylaws.)

In the 1992 Convention Workbook the Commission also reported, "On December 19, 1989, Dr. Bohlmann wrote the COA that from his observation of settlement efforts in a case involving a professor it was 'clear that a number of mistakes were made in the handling of the case...' that we needed to learn from those mistakes and thus improve our future efforts to resolve and adjudicate conflicts within the Synod. He requested the COA to meet with him and other Synodical officers in St. Louis at the earliest possible date. The COA responded by letter of December 30, 1989, saying it 'desires to faithfully and conscientiously fulfill in a God-pleasing manner, those functions assigned to it by the Synod...' and said it was 'clear that the adjudicatory process at the commission level must be seen by the Synod as a process free from interference and outside pressure in the decision making process...'"

"The COA met with Messrs. Bohlmann, Mennicke, Schuelke and Draheim on March 17, 1990. By means of transparencies and by reference to the case record the COA set forth the essential facts of the case in question that led to the COA's decision. The alleged mistakes, however, were never specified. The Synod at large should realize that there was a lengthy time lag (approximately 20 months) from the time the

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Board of Regents passed its September 14, 1987, resolution charging false doctrine to a later resolution, apparently drafted by the Synod's legal counsel passed by the Board of Regents on May 20, 1989, changing the charge to 'refusal to cooperate.' That resolution was adopted approximately 14 months after the COA adopted its decision on March 29, 1988. The COA decision, however, was based on the September 14, 1987, resolution of the Board of Regents. The May 20, 1989, Board of Regents' resolution, was, however, never formally communicated to the COA."

"Just prior to the close of the meeting of March 17, 1990, Dr. Bohlmann distributed to the COA a copy of 13 questions presented to the Commission on Constitutional Matters (CCM) in a letter dated January 23, 1990, said he understood the CCM was about to release its response, and suggested the COA immediately contact the CCM should it desire to provide any comment. Contact was made with Dr. Rosin shortly after adjournment of the meeting with the COA requesting the CCM await making a response until the two commissions could meet. Dr. Bohlmann was contacted, and he stated he had no objection to the CCM delaying a response pending discussions. [It should be noted that Dr. Bohlmann was then, and at this writing still is, a party to a pending case in adjudication.] It is clear that the adjudicatory process at the COA level has not been free from administrative interference and pressure."

Continuing from the 1992 Workbook report to the Synod, "In a January 23, 1990, 'Memorandum' to a 'Presidential Task Force on Conflict Resolution,' President Bohlmann appointed eight persons to that group, which included Messrs. Barber and Tesch from the COA. There was no prior consultation with the COA by President Bohlmann, and the said members accepted their appointment. [January 13, 1990, it is noted, is also the date 13 questions were formally submitted to the CCM by Dr. Bohlmann.] The COA learned of the presidential appointments from one of the appointees on January 27, 1990. The COA thereafter adopted a resolution expressing regret that President Bohlmann without prior consultation with it or the Commission on Adjudication had created his task force. It further resolved that any such study properly should have been based upon direction of the Synod for the Synod's Constitution and Bylaws do not contemplate the intrusion of the executive into the adjudicatory process. The COA further said it did not consider any of its members who might serve on that task force as being its representatives but are the personal representatives of the President of the Synod. The Board of Directors, the President, the Praesidium and the

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Commission on Adjudication were advised of the COA's action. As of Jan. 1, 1992, the task force had not communicated with the COA or sought any input from it in any respect."

Quoting again from the said COA Report, "In a letter of March 26, 1990, to the Board of Directors, Dr. Bohlmann reported on the meeting he and synodical officers had with the COA on March 17, 1990, and said he had received on March 22, 1990, the CCM response to the 13 questions he had submitted to it. (The CCM had met on March 9-10, 1990, to formulate that response and issued its response without any opportunity for comment on questions for the answers were meant to have binding effect.) Following receipt of the answers of the CCM to the questions of Dr. Bohlmann, the COA prepared a response. (Notice of the availability of that response was published in the *Reporter* of July 9, 1990.) That response was provided to others in the Synod. Subsequently, the COA and the CCM met in St. Louis on August 31 - September 1, 1990, and in Chicago on November 9-10, 1990."

"By letter of September 28, 1990, the Council of Presidents (COP) requested that representatives of the COA meet with representatives of the COP to focus upon 'theological and constitutional issues' that the COP believed were raised in the COA's decision in a case arising out of the North Dakota District (the Wuebben case) including the 'doctrine of the call, the doctrine of the Church, the supervisory role of the District President, and the upholding of the Constitution and By-laws of the Synod and the rulings of the Commission on Constitutional Matters.' The COA responded and subsequently suggested that such meeting include discussion of the doctrine of the divine call into the ministry, an explanation and review of the COA's approach to appeals, Matthew 18, the Fourth and Eighth Commandments and the doctrine of the Church. The meeting was held on Feb. 15-16, 1991. COP representatives Sohns, Heins, and Kapfer gave presentations on the doctrine of the call, the 'Episcopo' of the District President, and the ramification and Bylaw interpretation on doctrine and the church. COA representatives made presentations on the COA's approach to appeals, the application of the Fourth Commandment to the work of the COA, and the application of the Eighth Commandment and Matthew 18 to the work of the COA. In April of 1991, the COP requested another meeting of its subcommittee with the COA. In May 1991, the COA expressed its desire to have the entire COA meet with the entire COP (which expression had also been suggested in February). That desire again was communicated to the COP. On January 7, 1992, the Chairman of the COP advised that he would be writing the COA that the COP

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Program Committee would recommend a meeting in November 1992 or February 1993. The COA continues to believe that such a meeting could be of great value to both groups and the Synod."<sup>3</sup>

The COA 1992 Convention Report also noted the publicity given one closed case that reached the civil courts of North Dakota after the decision of the COA had become final. "That case reached the civil courts because the defendants in the adjudicatory proceeding before the COA refused to honor the decision of the COA. The plaintiff thereafter sought to enforce the decision. The trial court upheld the decision of the COA, and the defendants then filed an appeal with the North Dakota Supreme Court. Some of the statements made in connection with the adjudication proceeding have been misleading and inaccurate and have resulted in erroneous perceptions being held by members of the Synod with respect to the reconciliation and adjudicatory process. It should be clearly understood that the pastor involved was never charged and removed from office for valid cause. When the congregation involved made certain bylaw changes, the District Commission on Constitutions stated its opinion that, 'the manner in which the congregation passed these proposed Bylaw changes was improper and invalid and cannot stand up in a Court of law.' With respect to one change pertaining to the congregation requesting the resignation of a pastor, the District Commission said, 'From a practical standpoint, however one questions whether any pastor would want to accept a call to a congregation that has such a stipulation in its By-laws.' Later, of course, the Synod, in its answer in Civil Case No. 42838 asserted: 'The reverend was an employee 'at will' and subject to any termination.' Explanation for that was, however, later given by synodical officials. The record of this case is of considerable length. The COA's decision was unanimous and, we believe, correct." **Any called rostered Synod worker, let alone anyone ever employed, should give thought to what it means to be an "employee at will".**

Of course, as all of you know, our beloved LCMS is devoid of "politics".

You are urged when you get back home to go to the church office, pull out the 1992 Convention Workbook and go to page 231 where memorials assigned to Committee 5 on Structure and Organization appear. The South Wisconsin District memorialized Synod to reaffirm the independence of the Commission on Adjudication and Appeals as did others including the COA. The Board of Directors of the Central Illinois District, Rev. Dr. Robert Kuhn then President, submitted a memorial to make the adjudicatory process independent of presidential supervision. The COA submitted Memorial 5-19 signed by Secretary Rev. Marcus Stroschein and myself that commenced:

**Whereas**, In January 1990, the synodical President appointed a Presidential Task Force on Conflict Resolution; and

**Whereas**, The synodical President selected persons of his own choosing from the Commission on Adjudication and Appeals to serve on such task force without any consultation with those respective commissions and without any request that such commissions make such appointment; and

**Whereas**, In the two-year period since such task force was appointed, it has never consulted with such synodical Commis-

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sion on Adjudication and Appeals, and as the 1992 synodical convention draws near has not published any recommendations, and ..."

The COA asked that (1) the synod decline to change the present adjudication system; (2) decline the recommendations of the COP or the Presidential Task Force on Conflict Resolution regarding proposed changes; (3) receive whatever recommendations are forthcoming from those two groups as study documents and make recommendations for the 1995 synodical convention and (4) dismiss the said Presidential Task Force with thanks for their efforts over the last two years and that any future task force include members of the Commissions on Adjudication and Appeals designated by their respective committees.

Months before the 1992 Synodical Convention I received a call from a member of the COA stating he would be speaking to the Council of Presidents at a meeting hosted by Michigan District President Heins who was chairman, and the COA member wanted me to know he had accepted the invitation. I expressed amazement for I was chairman of the COA and COP Chairman Heins had NOT communicated with me. COA Vice Chairman Rev. Harlan Harnapp and COA Secretary Rev. Marcus Stroschein were quickly called by me. Neither had been contacted. Other contacts were made of COA members and the result was the same. The COA felt the chairman of the COA should attend and be permitted to speak to the COP. I contacted Chairman Heins and got the response that I was not invited, was not welcome and if I appeared I would not be admitted.

Perhaps the foregoing gives a very, very abbreviated glimpse of the background that existed prior to the 1992 Synodical Convention. Not surprisingly, Floor Committee 5 on Structure and Organization chaired by PSW President Loren Kramer and having District Presidents David Belasic, David Benke and John Heins on it was unlikely to be receptive to the aforesaid COA overture or any other overture that espoused an independent "judiciary" if such a word properly characterizes what was the adjudication system dispute reso-

lution system of the Synod.

We look now at Bylaw 1.10.1 of the Dispute Resolution of the Synod as set out in the 2013 Handbook.

Bylaw 1.10.1 cites Matt. 5:23-24 and Eph. 4:26-27 for resolving conflicts in the body promptly and 1 Cor. 6:1-7 for laying them before the "members of the brotherhood" and to "...rely exclusively and fully on the Synod's system of reconciliation and conflict resolution." "For the sake of the Gospel, the church should spare no resource in providing assistance." Bylaw 1.10.1.1 provides, "The use of the Synod's conflict resolution shall be the exclusive and final remedy for those who are in dispute." In doctrinal disputes the parties are urged to follow the procedures outlined in Bylaw 1.8. [Bylaw 1.8 deals with how dissent on doctrinal resolutions and statements is to be handled.] Contrast this to the purposes and objectives of Reconciliation, Adjudication, and Appeal in the 1983 Handbook as Bylaw 8.01, viz, "The provisions of this article are established in order to provide a means consistent with the Holy Scriptures to find the truth, provide for justice, and safeguard the welfare of the Synod, the members of the Synod, and those (whether or not members of the Synod) holding positions with the Synod or with an organization owned and controlled by the Synod...These provisions may also be used to determine the validity of and to effect reconciliation in cases of excommunication."

[As a sidebar comment, and something to give serious thought to, read the November 1985 CTCR document "Church Discipline in the Christian Congregation." Here is one comment from page 2: "A survey of some thirty denominations conducted already several years ago indicated little or no church discipline was being exercised within Christendom. More than ten years ago a Lutheran theologian concluded a study of church discipline by saying, 'In a survey the decline in traditional discipline signifies a more proper approach to the church. When all is said and done, the fact that discipline has declined is a blessing, and it ought to remain a peripheral concern.'" Pitiful, un-scriptural and un-confessional.]

A comment in point here is that in the September 2015 *Lutheran Clarion*, Montana District President Forke wisely observes that, "Presently the reconciliation process does not distinguish between conflict grounded in behavior and conflict grounded in the teaching of false doctrine." That holds true too with regard to practice. IF, "For the sake of the Gospel, the church should spare no resource in providing assistance," why does it appear so FEW resources were used in the matter of the teaching of the Rev. Dr. Matthew Becker which went on for years until finally a courageous Montana District President named Rev. Forke seemingly filed charges although the man charged was not in his District? President Forke in his article suggested adding a bylaw "dealing specifically with false doctrine." Not to be forgotten either is the infamous Yankee Stadium worship service of September 23, 2001, telecast around the country and participated in by then Atlantic District President David Benke with charges being filed by different parties in October, November and December 2001 and in January and March 2002. Did the church [LCMS] **really** measure up to sparing no resources in providing assistance in a matter certainly impinging on God's Word? Bylaw 1.8 on "brotherly dissent" is referred to in the

2013 Dispute Resolution section of the bylaws. You will have to study what that is and how it is to be dealt with. 1983 Bylaw 8.07 provided, “a. Except as may be otherwise in these Bylaws set forth, expressly stated to be an exception hereto provisions of this Chapter shall govern all formal adjudication and appeal processes within the Synod.” Subsection (b) called for parties to fully use the Synod’s adjudicatory system. It also provided that if a person or entity unreasonably refused to heed the admonition or respect of the jurisdictional authority of the Commission on Adjudication or Appeals, the person forfeited all rights under the chapter and each party was free to enforce or defend his rights in the civil courts but theological matters should never be determined outside the church.

Bylaw 1.10.1 [2013] states in part, “Parties to disputes are urged by the mercies of God to proceed with one another with ‘the same attitude that was in Christ Jesus.’ (Phil 2:5). In so doing, individuals, congregations, and various agencies within the Synod are urged to reject a ‘win-lose’ attitude that typifies secular conflict. For the sake of the Gospel, the church should spare no resource in providing assistance.” The 1983 Bylaw provided in part, “These provisions are made available with the expectation that through them and otherwise every effort shall be made to effect reconciliation in all cases of disagreement, accusation, or controversy in which all parties within ...” four named situations and adds that they may be used to determine the validity of and to effect reconciliation in cases of excommunication.

**Mr. Walter C. Dissen, Esq.**

Board of Regents, Concordia Seminary, Saint Louis  
Board of Trustees, Concordia Theological Foundation

1. Letter of May 22, 1990, from the retired District President who was on the COA with the author.
2. 1992 Convention Workbook, R-501, pps. 88-90
3. *Op cit.*, 2.

## Remembering God’s Work through a Dedicated Layman

Church historians frequently write about significant clergy figures impacting the course of ecclesiastical events. However, it is often through the day-in-day-out service of devoted laymen, working behind the scenes in their specific churchly vocations, that God does His greatest work. Such is the case with Dr. Scott Meyer. Recently Scott completed his tenure on the Board of Governors (BOG) of Concordia Historical Institute (CHI), and we are deeply grateful to God for his longstanding, committed service. Next year CHI will celebrate ninety years of incorporation as the Department of Archives and History of The Lutheran Church—Missouri Synod (LCMS). For more than a third of that time, Scott has been intricately involved in the life and work of this important institution dedicated to trumpeting Christ’s redeeming work in the life of the Lutheran Church.

Scott is a life-long Lutheran, the grandson of Dr. William Christian Kohn, former President of Concordia Teachers College, River Forest, IL from 1913-1939. After graduating

from high school, Scott served in the United States Marine Corps, completing his enlistment in 1949 as a sergeant. In 1952, he graduated with a Bachelor of Science Degree from Purdue University. He went on to receive a Master of Business Administration from Indiana University in 1953 and a Doctor of Jurisprudence from Northwestern University in 1961. Dr. Meyer worked as a senior patent attorney for forty years, thirty of it with Monsanto Company where he retired in 2005.

Long involved in various congregational offices, Scott also served on the Missouri District (LCMS) Constitution Committee from 1986 to 2000.

But, his work at CHI has been especially significant for the church-at-large. In 1986, he was appointed to the CHI Director’s Advisory Council, on which he performed until 2000. He was first elected to the CHI BOG in 1990, serving until

**“I remember the days of old, I meditate on all that Thou hast done.”**

2001, and then reelected to the BOG from 2005 to 2015. He was the President of the CHI BOG from 2010 to 2015. Over the course of thirty years Scott has also worked on two CHI financial task forces (1990-1996) and the CHI Awards Committee (2000-2007). Dubbed the American Lutheran lay historian, he has written numerous articles on American Lutheran church history and was a charter member of a permanent endowment fund for CHI. The CHI Staff and BOG, together with all the CHI members, are grateful to God for the dedicated diligence of Scott Meyer.

When I first took on the role as Editor-in-Chief for the CHI journal *Concordia Historical Institute Quarterly*, Scott was quick to remind me of two corrections that needed to be made after my initial fall 2012 issue. First, I had listed my designation as “Editor” rather than the proper title specified in the CHI Bylaws, “Editor-in-Chief” (I would like to say it was out of assumed humility, rather than the oversight it actually was). Second, and more significantly, I had omitted the CHI Scripture theme from the bottom of the table of contents page: “I remember the days of old, I meditate on all that Thou hast done” (Psalm 143:5). Our gracious God has done great and mighty things through dedicated lay people like Scott Meyer, and this too needs to be remembered with deep gratitude!

*Soli Deo Gloria*

**John C. Wohlrabe, Jr., Th.D.**

President, Concordia Historical Institute Board of Governors  
Second Vice-President, LCMS

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## A Quick Look at the 2016 LCMS Convention Workbook

The “workbook” for the sixty-sixth regular convention of The Lutheran Church-Missouri Synod (hereafter LCMS) was issued in electronic format in mid-April.<sup>1</sup> At over five hundred pages, it is an intimidating read for everyone, including persons who love legislative conventions. In the interest of assisting the readers of the *Lutheran Clarion*, I offer the following as a sort of “reader’s guide” to introduce you to the most significant decisions to come before the convention.

With regard to the matter of elections, if you are a delegate, you will need to peruse a separate document known as the “Biographical Synopses.”<sup>2</sup> You might also consider using the venerable and conservative “United List”<sup>3</sup> for specific elections where you don’t know any candidate.

You should start by carefully reading President Matthew Harrison’s report (pp. 1-6). In that report, he notes that the most significant matters of the convention will deal with licensed lay deacons, the problem of district confederacy, and the visitation function of ecclesiastical supervisors, i.e, district presidents and district visitors. I agree with his judgments here.

**“...the matter of Licensed Lay Deacons ... is a complex issue and very controversial in districts that have deployed many of these non-ordained ministers. This Task Force has offered the best possible solution to this problem.”**

Your next stop in the Workbook should be the Commission on Constitutional Matters (hereafter CCM) opinion 14-2722 (p. 133). This has to do with the appointment of Regents to the boards of the Concordia University System (hereafter CUS). Questions 1 and 2 deal with a serious problem, namely, that appointed members on these boards can become self-perpetuating, and that elected members can vote for their own appointment when their term expires. This is a matter of lines of accountability, which is addressed by Overture 7-05 (p. 365). As with all overtures, this overture may be revised, or merged with other overtures, and issued with a different number as a resolution by the Floor Committees.

The next stop on your tour of the Workbook should be the reports of the five Task Forces. I am impressed by all of the work done by these committees and I recommend that you concur with their proposals. The Resolution 3-10A Task Force (pp. 231-233) deals with the matter of rostered candidates who are presently without calls, including former missionaries, former chaplains, former full-time graduate students, and others whose calls were terminated and who are completely eligible for continued service. The Resolution 4-06A Task Force (pp. 234-261) deals with the matter of Licensed Lay Deacons. This is a complex issue and very controversial in districts that have deployed many of these non-ordained ministers. This Task Force has offered the best possible solution to this problem.

The Resolution 5-01A Task Force (pp. 262-267) addresses

the matter of Lutheran identity at the Concordia University schools. Overture 7-01 (pp. 363-364) proposes to make the CUS Presidents’ statement a standard for all of the schools, which I think is a good idea. The Resolution 5-14A Task Force (pp. 268-296) addresses the complex problem of Specific Ministry Pastors, alternate routes to ordination, and colloquy. It offers a new distinction between “particular ministry” and “specific ministry” that is, I think, very helpful. Last, but not least, the Task Force on Dispute Resolution (pp. 297-307) has done a superb job in offering to fix one of the most fouled-up areas of our synodical bylaws. I agree with all of their eight proposals.

We now turn to the Overtures. For Committee Two, International Witness, the national office wants districts and congregations to coordinate their overseas mission work with the national office, so that there is no duplication of effort, so that mission dollars are used more effectively, and so that partner churches and missions are not confused. Overture 2-14 (p. 324) is in favor of such coordination, while overtures 2-01 to 2-12 (pp. 315 to 323) are against such coordination. I think national office coordination of overseas missions is a good thing. It is one of the reasons we have a national office for missions. I can’t figure out why some districts and congregations want confusion in this area. Lack of coordination just doesn’t make sense from any angle.

For Committee Four, Life Together, overtures 4-13, 4-14, and 4-15 (pp. 332-334) offer ways and means of preserving the Lutheran way of doing worship and catechesis. Other ways and means might be offered, which could also be considered, and they might be better than what is proposed. Barring better alternatives, these overtures should be promoted by any LCMS member who is worried that we are losing the Lutheran traditions of liturgy, hymnody, and catechesis.

For Committee Five, Theology and Church Relations, overture 5-15 (p. 349) offers one way to standardize admission to the Lord’s Supper. Other ways could be considered. Barring better alternatives, this overture should be promoted by any LCMS member who is concerned about the increasingly common practice of open communion in many LCMS congregations. Overtures 5-29 to 5-32 (pp. 354-356) speak to the issue of women in military combat. The idea of “conscientious objection” in this matter makes lots of sense to me.

For Committee Seven, University Education, overture 7-01 (p. 363-364), as previously noted, offers an excellent way to implement Lutheran identity at our CUS schools. A number of overtures propose to limit or eliminate the influence of the national church-body in the process of electing CUS universi-

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Balance-Concord, Inc., has been a most faithful contributor to *The Lutheran Clarion* in honor of the sainted **Rev. Raymond Mueller** and the sainted **Rev. Edgar Rehwaldt**, both of whom faithfully served the Synod and Balance-Concord, Inc., for many years.

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ty presidents (overtures 7-04, 7-06, 7-07, 7-08, 7-12, 7-13, 7-17; pp. 364-372). This is a bad idea. How can we call these schools “LCMS,” if their presidents are elected by regional constituencies without the prior approval of national ones? These overtures just move us farther along in the direction of the secularization of these schools. They are an attempt to avoid the doctrinal authority of the president of the synod and the CUS Board of Directors; and are, frankly, purely political.

In other university matters, overture 7-05 (p. 365), as noted previously, is a good one, in that it curtails self-perpetuation by appointed members. Overture 7-10 (p. 367) is a good idea, in that it offers a prior-approval process for CUS theological faculty, similar to what is presently done for CUS presidents. Overture 7-11 (p. 368) is a good idea for having better communication between CUS schools and the synod president’s office. Overture 7-15 (p. 371) is a good idea because it deletes the present excessive qualifications for CUS Regents. Overture 7-16 (pp. 371-372) deals with the matter of equal voting rights for appointed and elected Regents, similar to overture 7-05, but it fails to address the matter of self-perpetuation found in 7-05; therefore overture 7-05 is better. Overtures 7-20, 7-21, and 7-24 (pp. 374 and 376) address the matter of Classical Education in a positive way and should be supported by all.

For Committee Eleven, Structure and Administration, overture 11-02 (p. 383) offers to review, via a Task Force, the power of synod president, secretary, the CCM, and district presidents. These powers have been gradually increased over the years and it is about time to have an independent commission review them to see: 1) whether there are proper checks and balances, and 2) whether these powers agree with the LCMS doctrine of the church as found in the Book of Concord and C.F.W. Walther’s Kirche und Amt (a.k.a., “Church and Ministry” and “Church and Office”). Overture 11-09 (p. 388) proposes to change the process of elections for synod president. I was opposed for many reasons to the present process, which elects the synod president prior to the convention, but this proposal does nothing to fix that—it just makes it more complicated. Please explain to me how overture 11-09 will actually work in practice! Overture 11-09 doesn’t make any sense to me. If we want to have more candidates on the ballot, then the answer is to put the election back into the convention itself. Politics will happen, no matter what process you use.

Overtures 11-30, 11-32, 11-33, 11-34, and 11-35 (pp. 398-399) are all attempts to destroy the authority of doctrinal statements and doctrinal resolutions that have been adopted by the national convention. If any of these overtures, or those like them, are adopted, the following LCMS statements would have no authority at all in our church: 1851 Theses on Church and Ministry, 1881 Theses on Election, 1932 Brief Statement, and 1973 Statement on Scriptural and Confessional Principles. This would open the door to the following heresies: apostolic succession of bishops, mandatory ordination of pastors by bishops, election in view of faith, a historicized view of the Book of Concord, rejection of Genesis 1-3,

skepticism toward miracles and prophecies in the Bible, rejection of the vicarious atonement, Darwinian evolution, higher critical methods of Biblical exegesis, millennialism of all types, “social justice” ethics, universalism, women’s ordination, ordination of homosexuals, blessing of same-sex marriages, and all the other gender/sexual heresies that have been or will be adopted by the Evangelical Lutheran Church in America (ELCA).

For Committee Twelve, Ecclesiastical Supervision and Dispute Resolution, overture 12-01 (p. 415) proposes to amend the bylaws to provide the president with the needed authority to deal with cases like that of Dr. Matthew Becker. It is a good idea. Overtures 12-03 to 12-10 (pp. 416-418) ask the synod to do something about the many rostered candidates waiting for calls, which matter is addressed by the Resolution 3-10A Task Force (pp. 231-233). Overtures 12-11 to 12-41 (pp. 419-431) deal with various ways to improve the dispute resolution/expulsion system. In my opinion, overture 12-42 (p. 432) does the best job of addressing these problems by accepting the recommendations of the LCMS Commission on Handbook (Omnibus Overture #1).

The convention will probably find that its greatest arguments, from various sides and factions, will be pro and con the proposals of the Resolution 4-06A Task Force (pages 234-261), pertaining to Licensed Lay Deacons. Under Committee Thirteen, Routes to Ministry, I note that overtures 13-03 and 13-04 come from our two seminary faculties independently. Both Concordia Seminary, Saint Louis and Concordia Theological Seminary, Fort Wayne support the proposals offered by the Resolution 4-06A Task Force. It is significant when both LCMS seminaries agree on a controversial matter.

I hope that the national convention agrees that the Res. 4-06A Task Force proposal is a workable solution to the long-standing problem of non-ordained and non-or-poorly-trained men serving in Word and Sacrament ministry. After all, one of the battle cries of the sixteenth century Reformation, not just among Lutherans, was that parishes were being served by unqualified and uneducated priests. It was because of this scandal that Lutheran and other Protestant universities were founded in Europe and later in America. If we claim to be heirs of the Reformers, we will do as they did, and see that all of our parishes are served by qualified and properly-trained pastors who are also called and ordained in the proper manner (*rite vocatus*, Augsburg Confession XIV).

**Rev. Dr. Martin R. Noland**

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**“Overtures 11-30, 11-32, 11-33, 11-34, and 11-35 (pp. 398-399) are all attempts to destroy the authority of doctrinal statements and doctrinal resolutions ... adopted by the national convention. If any of these overtures, or those like them, are adopted... This would open the door to ...heresies...”**

- 1 The 2016 LC-MS Convention Workbook is available for free download here: <http://www.lcms.org/Document.fdoc?src=lc&id=4086> ; accessed April 26, 2016, as were all other links. All citations in the text in parentheses refer to this document.
- 2 The “Biographical Synopses” includes all persons on the ballot and is available for free download here: <http://www.lcms.org/Document.fdoc?src=lc&id=4099>
- 3 The “United List” can be found here: <http://theunitedlist.org>

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