

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



**Lutheran Concerns Association**  
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## **Ecclesiastical Supervision: Orthodoxy or Heterodoxy?**

South Wisconsin District President Rev. John C. Wille delivered the overview below of proper ecclesiastical supervision at the 2018 LCA Conference in Fort Wayne, IN.

The 2016 Convention of The Lutheran Church-Missouri Synod in Milwaukee will undoubtedly be remembered as a “watershed convention” because of the significant resolutions considered and adopted. Going into the convention much of the conversation focused on what the delegates would do regarding the licensed lay deacon resolution, #13-02A: “To Regularize Status of Licensed Lay Deacons Involved in Word and Sacrament Ministry.” However, once CCM (Commission on Constitutional Matters) Opinion #16-2791 was released it was obvious that ecclesiastical supervision would also be a key decision before the delegates.

The genesis of this struggle over the ecclesiastical supervision authority of the Synod President actually has its origins in the 2004 LCMS convention when the bylaws surrounding conflict resolution were completely re-written. Up until the 2004 Convention, specifically from 1956 until 2004, the synod president had the authority to exercise ecclesiastical supervision over individual members. The 1956 bylaw 5.23 Ineligibility for Service states in part:

In case the President of the District is charged with any action that would disqualify him for office, the Vice-Presidents of the District shall initiate proceedings, and the First Vice-President shall act. *If the District officers fail to act, the President of Synod, by virtue of the power given him in the Constitution (Article XI, B, 1, 2, 3) may on his own initiative institute proceedings, take administrative action, and, if necessary, present charges to the District Board of Appeals.* (1956 Bylaw 5.23, *Handbook*, n.p.)

That authority was redefined in 1989 when appeals were permitted to the LCMS Praesidium. Then, in 2004 both the Synod President and the LCMS Praesidium were removed from the appeals process altogether, as is noted in CCM Opinion #16-2791.

Finally, 2004 Res. 8-01A (*Proceedings*, pp. 165–184) removed the bylaw provision for the Praesidium to act when a district president would not instead allowing an accuser, in case of district president inaction, to request formation of a Referral Panel, which request the district president must grant (2004 Bylaws 2.14.5—2.14.5.3, *Handbook*, p. 66).

With the adoption of 2004 Res. 8-01A the Synod President was relieved of his responsibilities to serve as the ecclesiastical supervisor of all members of Synod, with the exception that he had the authority to discipline district

presidents, if necessary. The ecclesiastical authority that had been previously exercised by the synod president was now entrusted to a “referral panel,” usually circuit counselors (now circuit visitors) to be appointed by blind draw.

As a result of the 2004 bylaw changes, the case can be made that with the passing of time districts operated more and more instinctively as self-governing franchises loosely united by the LCMS corporate logo, with each district president effectively becoming more independent, with districts becoming more autonomous.<sup>1</sup>

To one degree or another, that was undone in May 2016 by CCM Opinion 16-2791 which states:

Ecclesiastical supervision is covered in the Constitution’s Articles XI B 1–3 and XII 6–8, which confer supervisory power first upon the President of Synod, who is to “conscientiously use all means at his command to promote and maintain unity of doctrine and practice in all the districts of the Synod,” and then upon the district presidents, who shall “especially exercise supervision over the doctrine, life, and administration of office of ordained and commissioned ministers of their district...” One element entailed in that ecclesiastical supervision is the authority to suspend a member of the Synod, which begins the formal process that could lead to expulsion from the Synod (Constitution Art. XIII 1–2).

Against that backdrop the furor that has erupted as a result of CCM Opinion 16-2791, 2016 Resolution 12-01A and 2016 Resolution 12-14 with its implementation in May 2017 can be better understood. The context provides clarity.

This struggle has been not only about the authority of the Synod President to exercise his right of ecclesiastical supervision which can be traced back to the earliest constitutions, *but this is also* about the nature of what synod is and what synod does. To be sure, this is about faithfulness to our confession as Lutheran Christians; the stuff of which Article II of the LCMS Constitution<sup>2</sup> describes.

### **Res. 12-14: Confusion, Misunderstandings and Foggy Bottoms:**

Since May 2017 when the LCMS Board of Directors adopted the new Bylaws connected with Resolution 12-14,

**“This struggle has been not only about the authority of the Synod President to exercise his right of ecclesiastical supervision..., but this is also about the nature of what synod is and what synod does.”**

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some have attempted to muddle the picture with half-truths, misdirection, and fabrications.

By way of example, the “Congregations Matter” website (<http://congregationsmatter.org/>), in an article titled “SE President Denninger also Opposes Dangerous Bylaw,” commends three district presidents for taking exception to Resolution 12-14 and the Bylaws which resulted from that resolution. The article states:

At President Harrison's request and Secretary Sias' hand, the United List majority of the Synod Board of Directors (BOD) wrested the constitutional, historic responsibility of ecclesiastical supervision from District Presidents. Without vote or action of the Milwaukee Convention, the BOD gave this responsibility to one man. The President of Synod now is the *de facto* ecclesiastical supervisor of the LCMS. Harrison has taken ecclesiastical supervisory decisions away from our 35 District Presidents. He relocated those life-changing decisions to his own desk inside the secretive International Center in St. Louis....

Sounds like there is intrigue afoot? That may be; but by whom?

For the sake of integrity, here are the simple facts surrounding what took place as various overtures to the 2016 LCMS Convention surrounding the Rev. Dr. Matthew

Becker matter were considered, and what many consider the failed ecclesiastical supervision that allowed Dr. Becker to remain on the roster despite his documented positions, contrary to the doctrine and practice of the LCMS.

During the May 2016 Floor Committee meetings in St. Louis, Floor Committee #12 struggled with how to address the various overtures from congregations and districts calling for proper ecclesiastical supervision. It was obvious that something needed to be done. But what?

There was an animated discussion between the members of the floor committee and its advisors which included representatives from the president's office, the Commission on Handbook, the CCM, as well as, at times, the Synod President himself.

Three possibilities were actively discussed:

- 1) that the *status quo* in place since 2004 remain,
- 2) that appeals involving a district president's failure to act be directed to the Synod Praesidium, as it was from 1989 until 2004 [this was endorsed by the Synod President],
- 3) that appeals involving a district president's failure to act be directed to the Synod President.

Unable to come to a consensus on the appropriate direction the chairman of Floor Committee #12 was directed to request an opinion from the LCMS CCM to seek clarity.

In the days that followed the floor committee hearing, on behalf of the committee, the chair of Floor Committee #12 posed the following question to the CCM:

Question: “In the event that a district president did not take action in matters of expulsion, was the process operative in the Bylaws between 1956 and 2004, enabling the President of the Synod or the Praesidium of the Synod to initiate proceedings and present charges in an expulsion matter, in violation of the Constitution of the Synod?”<sup>3</sup>

The CCM drafted Opinion #16-2791 in answer to that question.

Based upon CCM Opinion #16-2791, the floor committee drafted 12-01A which was presented to the convention on Monday evening, July 11, 2016. As expected, there were maneuvers to remove the resolution from consideration. The convention minutes capture the intrigue.

Committee 12 Chairman John Wille introduced his committee and spoke of the function of ecclesiastical supervision in the Synod. He then introduced Res. 12-01A “To Restore Right of Accuser to Appeal when a District President Fails to Act or Declines to Suspend,” (TB, p. 362—Part 2, Sunday issue) reading it in its entirety. During discussion, a motion was introduced to refer the resolution to the Council of Presidents (COP) for further study. After discussion of the motion to refer, a motion to end debate on the motion was introduced and carried [Yes: 785; No: 271]. In the vote that followed, the motion to refer failed to carry [Yes: 495; No: 599]. Discussion of Res. 12-01A continued until a motion “to delay action until tomorrow” was introduced and discussed. A motion to end debate was carried [Yes: 747; No: 310], but the motion to delay action failed [Yes: 521; No: 542]. The chair called the Orders of the Day.

It should be noted that after the Monday evening dust-up surrounding Resolution #12-01A, there was (also not sur-

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Since issue one of the *Lutheran Clarion* ten years ago, Mrs. Ginny Valleau has joyfully contributed hundreds of hours formatting it, maintaining the mailing list and often raising pertinent questions. She and her husband John have also handled the printing and mailing of it. This truly reflects their love for Christ and His church.

In their honor a **Concordia Theological Seminary Student Aid Endowment Fund** has been established at **Concordia Theological Foundation, Inc.**, which is recognized by the Internal Revenue Service as a tax-exempt 501(c)(3) religious charitable organization. Contributions are tax deductible as permitted by federal and state law. We can joyfully report that in January the fund had received contributions of \$3,500.

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prisingly) a great deal of conversation behind the scenes. After the Monday evening session, the chair of Floor Committee #12 was courted and pressured to merely withdraw Resolution #12-01A. <sup>4</sup> A petition to that effect was even circulated amongst the COP, with the majority of the COP endorsing the request to withdraw. *But there was no backing down. It is my conviction that Res. #12-01A would have easily been adopted by the convention, if it would have been put to a vote.* What's more, withdrawing 12-01A would not have changed the fact that among other items CCM Opinion 16-2791 deleted referral panels which had been used by district presidents to exercise ecclesiastical supervision in sensitive cases of discipline.

Then there is the heart of the CCM Opinion which states:

Moreover, this review finds the change of the Bylaws in 1989 and subsequently (namely, to remove the right of appeal for action to the President, should district officials fail to act, and to replace it first with an appeal to the Praesidium and then with an appeal to a Referral Panel) to *conflict* with the Constitution of the Synod. This change unconstitutionally deprived the President of the Synod of procedures for exercising a power granted him in Constitution Art. XI B 1–3. That this power to receive appeals for action, in case of the inaction of district officials, is one of the means constitutionally “at [the President's] command to promote and maintain unity of doctrine and practice in all the districts of the Synod” (Constitution Art. XI B 3) was the opinion of the Synod in convention in 1956. It expressed this opinion explicitly and with its unique and final interpretive power. It must therefore be the opinion also of this commission. <sup>5</sup>

CCM Opinion 16-2791 restored “right of appeal for action to the President”. The CCM Opinion required action; *viz*, a convention resolution needed to be drafted and passed to avert a constitutional crisis, if nothing was done. As a result of a conversation between the CCM and the chair of Floor Committee #12, Resolution #12-14, “*Re the Right of an Accuser to Appeal when a District President Fails to Act or Declines to Suspend*”, was drafted in an effort to avoid a bitter floor fight. Before Resolution #12-14 was brought forward there was a behind the scenes meeting of the Council of Presidents to discuss #12-14. As noted below, *the COP expressed unanimous support of Res. #12-14, both in private and in public.* <sup>6</sup>

From there Resolution #12-14 went to the convention for consideration. The minutes of the floor discussion regarding 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*” are a matter of public record. Those minutes can be found on page 38 of the *Proceedings*, Wednesday morning. The minutes read:

Committee 12 Chairman John Wille brought forward Res. 12-14 “Re the Right of an Accuser to Appeal when a District President Fails to Act or Declines to Suspend” (TB, p. 467—Wednesday issue), intended to take the place of Res. 12-01A already before the convention. President Harrison explained the purpose of this new resolution and then called on Council of Presidents Chairman Kenneth Hennings to assure the assembly of *the council's unanimous support*. A proposed amendment to insert “or President of the Synod” after “District President” in the title was received by the committee as a friendly amendment. After brief debate, the chair called for a show of hands to determine whether to end debate. Debate was ended, and Res. 12-14 was adopted as changed [Yes: 996; No: 67].

The Synod in Convention has spoken. Res. #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*” was overwhelmingly adopted.

The initial “*Whereas*” of 12-14 states plainly, “WHEREAS, the Commission on Constitutional Matters (CCM) Opinion 16-2791 has indicated portions of the expulsion processes of Synod Bylaws are presently in an unconstitutional state with respect to Const. Art. XI B 1–3 and Const. Art. XIII 2.”

***The historical evidence supporting the ecclesiastical supervision of the Synod President can be easily traced back in Convention Resolutions, Bylaws and the Constitution itself.***

The Synod in Convention has spoken. The first “*Resolved*” of 12-14 states: “*Resolved*, That the Synod in Convention directs the Synod Board of Directors to act in this manner in order to clear bylaw procedures regarding this aspect of ecclesiastical supervision.”

2016 Res. 12-14 directed the Secretary of Synod to draft the necessary bylaws in conformity with CCM Opinion 16-2791, in consultation with the Council of Presidents, and then to follow LCMS Bylaw 7.1.2 which states:

7.1.2 In exceptional circumstances and upon the express direction of a convention of the Synod, amendments may

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be made by a two-thirds majority of the Board of Directors.

(a) Such amendments to the Bylaws shall be necessary to implement resolutions adopted by a convention of the Synod.

(b) Such amendments shall be drafted by the Secretary of the Synod and shall be reviewed by the Commission on Constitutional Matters and the Commission on Handbook.

That Bylaw process was fulfilled with the LCMS Board of Directors by more than a two-thirds majority approved what the Secretary of Synod had drafted in May 2016, in accord with the Resolves of Res. #12-14.<sup>7</sup>

### **Ecclesiastical Supervision of the LCMS Synod President; the history and facts:**

The historical evidence supporting the ecclesiastical supervision of the Synod President can be easily traced back in Convention Resolutions, Bylaws and the Constitution itself.

Rev. Dr. Brian Saunders, the district president of Iowa East, writes the following in a paper titled, "Synod's Preparation to Move from General Synod to Four Districts in 1853-54":

Friedrich Wyneken became the Synod President in 1850 and was re-elected in 1853. At that time the Synod had grown both in Communicant membership as well as number of congregations. It was the President's responsibility to make visitations to each congregation and pastor within his elected term. The task had become unmanageable by 1853 so Synod in convention discussed a move that would create four districts effective in 1854. Each district would have a president of its own that represented the "General President" (*Der allgemeine Präses*) of Synod. The 1854 constitution recorded the description of the duties that belong to the Synod President [SP] for the sake of clarification concerning the District Presidents. The DP's [District Presidents] would represent the SP and carry out the duties the SP would carry out if he were to be there. In other words, the DP is nothing more than the DP in the place in the same manner that Districts are nothing more than Synod in that place.

Er hat die Oberaufsicht in Betreff der Lehre, Praxis und resp. Amtsverwaltung über sämtliche Synodal=beamte und sämtliche Prediger und Lehrer innerhalb des gesammten Synodalsprengels, über die einzelnen Districts=Synoden, als solche, über die Pastoral Conferenzen und über die einzelnen Gemeinden der Districts=synoden. Des allgemeine Präses, 1864 Constitution, 6. E. 3.

My translation: "He has the superintendence (*oberaufsicht, oversight*) in the subjects of teaching, practice and Office administration over the entire (*sämtliche, each and every*) Synod official and each and every preacher and teacher within the entire synodical district, over the individual district as such, the pastoral conferences and over the individual congregations of district synod. The General President, 1854 Constitution, 6. E. 3." (*Der Lutheraner* 9, 1853 no. 22:145)

As you can see the SP does not lose any of his authority or responsibility to the DP. He retains what, by his office, is afforded to the DP to carry out in his place. Later in the same constitution we read the direction given to the SP concerning his relationship to the congregations as an official of Synod.

Rev. Dr. George Gude, who serves as chair of the LCMS CCM, describes how this took place in his paper:

### **"An Overview of the LCMS processes for suspension and removal from membership in the Synod."**

When the Synod was founded in 1847, among the duties of the Synodical president was the visitation of all parishes. This visitation / supervision was intended to make sure that the doctrine and practice of the congregations and pastors were in conformity with the Scriptures and the confessions. Initially, while the president was given the responsibility of visitation, there were no provisions in Synod's constitution for the president to suspend a pastor or teacher guilty of immorality or false teaching. It was apparently assumed that the matter could wait until the next session of the synod, which met annually. This was changed by the 1849 convention as a result of a situation that occurred in 1848. In 1848 the actions of a certain Mr. Poeschke were of such a nature that President Walther, after discussing the matter with the St. Louis Pastoral conference, concluded that it was necessary to suspend him from membership in the synod. This was reported to the 1849 convention of the synod, and the Synod responded by confirming the suspension. The synod also provided a correction for the problem by adding provisions for suspension of pastors, as it inserted a new paragraph into the Constitution, giving the president of the synod the power of suspension.

The paragraph reads:

If in between Conventions public offense is given by individual pastors of the Synod whether voting or advisory members - in respect to doctrine or life, and after admonition by the President and the other officers this is not confessed with a repentant heart and no improvement is pledged, then the President is empowered temporarily to suspend the membership of such pastors until the next session of the Synod and is also to make such suspension public. The President is empowered in urgent emergencies to announce previously [prior to the temporary suspension] that a particular member is under investigation." (*Proceedings*, 1849, p. 10)

The ratification by the congregations of this change to the constitution, giving the president the power to suspend temporarily until the next convention was announced at the 1850 convention.

There is substantial historical precedence in the history of the LCMS for the Synod President to exercise ecclesiastical supervision. It is more than interesting to note that Gude goes on to say that the ecclesiastical supervision exercised by district presidents actually originates with the Synod President's office.

Thus, while the 1854 constitution placed the supervision of the doctrine and practice of synodical officers, all pastors and teachers of the entire synod, the individual districts, the pastoral conferences and the congregations of the Synod into the hands of the president of the *allgemeine Synode*, in effect the constitution made the district presidents his agents in carrying this supervision since it was the district presidents to whom the constitution gave authority to temporarily suspend a member. [page 2 of Gude's paper]

One of the places where that is reflected in current bylaws is Bylaw 3.3.1.1.1[b], "In the districts of the Synod, [the President of Synod] shall carry out his ecclesiastical

duties through the district's president.”

**CCM Opinion 16-2791, Various Historical Points to Note:**

174. Constitutionality of Historical Appeal to President and Praesidium in Expulsion Cases (16-2791)

- The 1956 Bylaw 5.23 are important: *“If the District officers fail to act, the President of Synod, by virtue of the power given him in the Constitution (Article XI, B, 1, 2, 3) may on his own initiative institute proceedings, take administrative action, and, if necessary, present charges to the District Board of Appeals. (1956 Bylaw 5.23, Handbook, n.p.)*
- Footnote iii is vital in understanding the historicity of the SP's ecclesiastical authority:
  - iii. The convention's action in 1956 establishes not only that Const. Art. XI B 1–3 grants this power to the President, but also that no other constitutional

***“Contrary to publicly stated fears, the Synod President cannot unilaterally intervene in a matter of ecclesiastical discipline.”***

article diminishes this power. Significantly, Constitution Art. XII 7, stating that district presidents shall “moreover, especially exercise supervision over the doctrine, life, and administration of office of the ordained and commissioned ministers of their district,” read in 1956 as it does today. Constitution Art. XII 7 was understood by the convention as in no way diminishing the President's authority, inherent in Constitution Art. XI B 1–3, to act, should district officials fail to do so.

Constitution Art. XII 8 and Constitution Art. XIII 2 were altered in 1965 when the adoption of the adjudication system transferred final expulsion proceedings from district and Synod conventions to Boards of Appeals. Before and after 1965, Constitution Art. XII 8 empowered district presidents “to suspend from membership.” Before 1965, Constitution Art. XIII 2 also read, “Such expulsion is executed, as a rule, by the Districts of Synod; yet those so expelled have a right of appeal to Synod.” Neither the wording of Constitution Art. XII 2 (before 1965) nor that of Constitution Art. XII 8 (either before or after 1965) was interpreted so as to diminish the President's constitutional authority to act, should district officials fail to do so.

Since 1965, Constitution Art. XIII 2 has read, “Expulsion shall be executed only after following such procedure as shall be set forth in the Bylaws of the Synod.” More flexibility is allowed the convention in setting out an expulsion procedure in the Bylaws, but at the same time this constitutional change prohibits, in the case of expulsion proceedings, exercise of constitutional powers for which there is no bylaw procedure specified.

- Then at the 1971 convention in Milwaukee the above was modified. This is noted in footnote 1: “1971 Res. 5-14 (*Proceedings*, p. 156f.) modified the provision to read, ‘If the District officers fail to act, the President of Synod, by virtue of the power given him in the Constitution (Article XI, B, 1–3, *inclusive*) may on his own initiative institute proceedings, take administrative action, and, if necessary, present charges to the appropriate District Commission on Adjudication, provided, however, that such must be in the same manner as hereinabove set forth for the District officers.’ (1971 Bylaw 5.13, *Handbook*, p. 115) “
- In the final paragraph of the Opinion the CCM states:
 

Moreover, this review finds the change of the Bylaws in 1989 and subsequently (namely, *to remove the right of appeal for action to the President, should district officials fail to act, and to replace it first with an appeal to the Praesidium and then with an appeal to a Referral Panel*) to conflict with the Constitution of the Synod. This change unconstitutionally deprived the President of the Synod of procedures for exercising a power granted him in Constitution Art. XI B 1–3. That this power to receive appeals for action, in case of the inaction of district officials, is one of the means constitutionally “at [the President's] command to promote and maintain unity of doctrine and practice in all the districts of the Synod” (Constitution Art. XI B 3) was the opinion of the Synod in convention in 1956. It expressed this opinion explicitly and with its unique and final interpretive power. It must therefore be the opinion also of this commission.

**Please Note Carefully:**

The objection has been raised that the CCM did not consult the COP re the question that prompted Opinion #16-2791. However, *neither the question nor the opinion is about the ecclesiastical authority of a district president, but rather about the ecclesiastical authority of the President of Synod.* The opinion merely restores what a previous convention had done in violation of the LCMS Constitution.

Contrary to publicly stated fears, the Synod President cannot unilaterally intervene in a matter of ecclesiastical discipline. The Synod President's ecclesiastical authority is limited to an appeal from the accuser as is stated in Bylaw 2.14.4.2:

2.14.4.2 Before informing others of a determination not to suspend, if the matter involves doctrine or practice and a formal written accusation, the district president may seek the counsel and concurrence of the President of the Synod by conveying to him the accuser's formal written accusation, the record of his investigation, and his preliminary determination. The President of the Synod shall respond within 60 days.

(a) Should the President of the Synod concur, the district president may include the concurrence in his determination, indicating that it precludes an appeal

for action by the accuser to the President of the Synod.

(b) Should the President of the Synod not concur, he shall consult with the district president, who may revise his determination. He may request additional time to extend his investigation, which the President of the Synod may grant.

Subsequent bylaws detail how an appeal to the President of the Synod takes place.

### Conclusion:

Ecclesiastical supervision is no small or easy task, and ought not be taken lightly.

- Proper ecclesiastical supervision is an application of the Office of the Keys, entrusted by the Church to its elected leaders, motivated by Christ-centered love for the church; not a demonstration of rank, power or human self-will.
- Proper exercise of ecclesiastical supervision is a necessary element in protecting the church from the poison of false doctrine, from divisive curse of schism and the deceptive snare of heterodoxy.
- Proper ecclesiastical supervision includes visitation, evangelical encouragement and support, care, protection, counsel, advice, admonition, and, when necessary, appropriate disciplinary measures to assure faithfulness in doctrine and practice.
- Proper ecclesiastical supervision is intended to benefit the Bride of Christ, and is the authority “to supervise on behalf of the Synod the doctrine, life, and administration of its members, officers, and agencies” (Bylaw 1.2.1 (i).)

To add additional weight to all of this the “Treatise on the Power and Primacy” states:

<sup>61]</sup> And by the confession of all, even of the adversaries, it is clear that this power by divine right is common to all who preside over churches, whether they are called pastors, or elders, or bishops. <sup>62]</sup> And accordingly Jerome openly teaches in the apostolic letters that all who preside over churches are both bishops and elders, and cites from Titus 1, 5f.: *For this cause left I thee in Crete, that thou shouldest ordain elders in every city* [and afterwards calls these persons bishops]. Then he adds: *A bishop must be the husband of one wife.* Likewise Peter and John call themselves elders [or priests] 1 Pet. 5, 1; 2 John 1. And he then adds: *But that afterwards one was chosen to be placed over the rest, this was done as a remedy for schism, lest each one by attracting [a congregation here or there] to himself might rend the Church of Christ. For at Alexandria, from Mark the evangelist to the bishops Heracles and Dionysius, the elders always elected one from among themselves, and placed him in a higher station, whom they called bishop; just as an army would make a commander for itself.*<sup>8</sup>

Proper ecclesiastical supervision is a necessary component of an orthodox church body. Without a proper ecclesiastical supervision based upon Holy Scripture and our

Lutheran Confessions, the LCMS will quickly become a heterodox church body. The seeds of that are recognizable in this struggle surrounding CCM #16-2791.

A proper ecclesiastical supervision is needed in the church lest a church find itself in the foggy bottoms of heterodoxy; where truth is not absolute but merely relative, where the Sacraments are merely empty human actions and not means of grace, where Law and Gospel become indistinguishable from each other and where justification by grace through faith is eventually lost.

Rev. John Pless, professor at Concordia Theological Seminary, Fort Wayne writes the following in an article titled, *What Elert calls intolerable has now happened in The Lutheran Church—Missouri Synod*. [Logia, February 3, 2015]

J. Michel Reu (1869–1943), one of the most learned theologians in American Lutheran history, could hardly be classified as a fundamentalist given to knee-jerk reactivity. This irenic and deeply pastoral scholar was confident in the Gospel and devoted to the mission of making Christ known in the world. For these reasons, he responded with alarm when Lutheran church bodies in North America and Europe cared so little about the evangelical message that they let it be undermined by a failure to exercise discipline...

No wonder that Reu expressed his worries about the future of American Lutheranism to his friend, Hermann Sasse. *A church that cannot exercise discipline over its pastors is doomed.* The failure of the leaders of the ULCA to act in 1925 was a foretaste of the future in store for most of American Lutheranism.

Doctrinal discipline would become a thing of the past, an embarrassing relic of a less tolerant time. The new tolerance forecloses on the possibility of exercising discipline over errant teachers of the church. But it does more; it robs Christ's people of the truth of the saving Gospel. *The office of the ministry is not an entitlement but carries with it accountability to the public standards of Holy Scriptures and the Lutheran Confessions. It is far more than adhering to humanly-devised bylaws and legal procedures; it requires fidelity to the teachings of Holy Scriptures and an unqualified commitment to the Book of Concord.* Werner Elert's words are to the point: “Because evangelical Lutheran confession accords with Scripture, it is intolerable for an entity not bound by this confession to have jurisdiction in the realm of doctrinal matters.” [italics added for emphasis]

“*What Elert calls intolerable has now happened in The Lutheran Church—Missouri Synod.*” Haunting words that carry a sting for anyone who loves The Lutheran Church—Missouri Synod. But is it true? In this narcissistic age where everyone does what is right in his own eyes, where right has become wrong, where up has become down, has the intolerable now become tolerable in the LCMS? Have we allowed doctrinal matters to be judged by something not bound to our confession, not defined by the absolute truth of Holy Scripture?



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All of this reminds one of Elijah's departure from this earth on the fiery chariot. As the fiery chariot swept Elijah away, all that remained was his mantle/cloak, which Elisha picked up, a sign that Elisha was Elijah's successor. The mantle of ecclesiastical oversight has now fallen to our ecclesiastical leaders in this generation. The Synod President and district presidents are the watchmen for the New Testament house of Israel (at least here in the LCMS). Remember what our Lord God says to Ezekiel about that responsibility and the accountability that accompanies such an office?

Son of man, I have made you a watchman for the house of Israel. Whenever you hear a word from my mouth, you shall give them warning from me. If I say to the wicked, 'You shall surely die,' and you give him no warning, nor speak to warn the wicked from his wicked way, in order to save his life, that wicked person shall die for his iniquity, but his blood I will require at your hand. But if you warn the wicked, and he does not turn from his wickedness, or from his wicked way, he shall die for his iniquity, but you will have delivered your soul. (Ezekiel 3:17-19)

As stated earlier, a proper ecclesiastical supervision of doctrine and practice is necessary at every level in the church, especially with regard to district presidents and the Synod President, or the LCMS will quickly disintegrate into a heterodox church body.

From my perspective as a district president, the head of a middle adjudicatory, whether or not the LCMS drifts into heterodoxy is the essence of the question as to whether or not the Synod President should in these latter days have and exercise the ecclesiastical supervision which has historically been entrusted to that office. The Lutheran Church Missouri Synod is one church with many congregations, one church with 35 districts. Together we have committed ourselves to be one church with the same confession, one church with the same doctrine and the same practice. If the LCMS becomes a loose confederation of congregations and districts, with district presidents each with their own varying definition of orthodoxy, the LCMS will find itself sacrificed on the altar of heterodoxy; with various teachings and various practices tolerated which may or may not be in accord with Holy Scripture or our Lutheran Confessions.

From that preserve us, dear heavenly Father!

**Rev. John C. Wille**

South Wisconsin District President

- 1 This appears to be the core issue for all the blow-back surrounding CCM Opinion 16-2791 as well as the adoption and implementation of Res. 12-14. And yet we are not modeled after the ELCA "synod" structure. Districts are established by the Synod in convention. Bylaw 1.3.2, "The Synod divides itself into districts and authorizes its districts to create circuits. The criteria for the creation of districts and circuits are determined by the Synod in convention. Districts and circuits are included among the component parts of the Synod."
- 2 Article II Confession: The Synod, and every member of the Synod, accepts without reservation:
  1. The Scriptures of the Old and the New Testament as the written Word of God and the only rule and norm of faith and of practice;
  2. All the Symbolical Books of the Evangelical Lutheran Church as a true and unadulterated statement and exposition of the Word of God, to wit: the three Ecumenical Creeds (the Apostles' Creed, the Nicene Creed, the Athanasian Creed), the Unaltered Augsburg Confession, the Apology of the Augsburg Confession, the Smalcald Articles, the Large Catechism of Luther, the Small Catechism of Luther, and the Formula of Concord
- 3 *Nota Bene.* The chair of Floor Committee #12 drafted the question and submitted it to the CCM *without the input of and without the knowledge of the Synod President.* The Synod President, Matthew Harrison, was not aware that said question was asked of the CCM until Opinion #16-2791 was released the later part of May 2016.
- 4 This pressure came in various forms. First, there was a series of text messages from a pastor (non-delegate) who shall remain nameless. The gist of those text messages: can't you just drop it, if only for peace in the Synod. The floor committee itself remained firm, except for one member who wanted to placate all sides. Then, there was the less than friendly reception by a large segment of the COP. The COP secretary circulated an anonymous petition among the members of the COP in opposition to Res. 12-01A. A majority of the COP signed that petition. When I asked who wrote the letter, I was told that the author(s) wished to remain anonymous.
- 5 It doesn't get much clearer than this. The Synod President is the most important office in the LCMS to preserve the synod from heterodoxy.
- 6 At the 2016 Convention, the COP unanimously supported Res. 12-14 as was stated by the COP chairman, Rev. Ken Hennings, on the convention floor. However, since that time, as is reported by *Congregation Matters* among other places; Rev. Ken Hennings (Texas district president), Rev. Dr. Larry Stoterau (PSW district president), and Rev. Dr. John Denninger (Southeastern district president) have all expressed vocal opposition to Res. 12-14, and the subsequent LCMS Board of Directors action. This is documented by letters which each sent to their respective districts, accusing President Harrison and Secretary Sias of a "power grab." The fact is that President Harrison acted with great integrity, in an effort to avoid a bitter floor fight; and for that kindness he is now criticized for not bringing the matter to the convention floor, criticized for grabbing power for himself, criticized as is John Sias for violating the LCMS Constitution. Truth be told, neither President Harrison or Rev. Sias had any hand in writing the question which was posed to the CCM or either of the convention resolutions, Res. 12-01A or 12-14. Duplicity in this matter lies elsewhere.
- 7 During a sidebar conversation at the 2016 Convention before Res. 12-14 was brought to the floor, President Harrison asked the chair of Floor Committee #12 if we should proceed with Res. 12-01A or Res. 12-14. The chair of Floor Committee #12 replied that it should be the decision of the SP per the responsibilities of his office on which way to proceed. President Harrison opted for Res. 12-14 over Res. 12-01A to avoid a bitter floor fight. Now in the months after Res. 12-14 was implemented, there has been duplicity by some as cited in the previous footnote. The facts have been distorted by the very ones who requested a conversation among the District Presidents before the bylaws were adopted. The historical facts are challenged by disinformation. Res. 12-14 prescribed a "consultation" between the Synod Secretary and the COP, which is a conversation; but some have attempted to redefine "consultation" as "concurrence." Why is there a deficit of integrity?
- 8 Lutheran Church—Missouri Synod. (1996). *Concordia Triglotta—English: The Symbolical Books of the Evangelical Lutheran Church* (electronic ed., pp. 521–523). Milwaukee, WI: Northwestern Publishing House.

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