



June 2017

To: Rostered Workers and Congregations in Pacific Southwest District

Re: Bylaw 2.14 The Expulsion of Congregations or Individuals from Membership in the Synod (Ecclesiastical Supervision)

Greetings to you in the name of our Lord and Savior Jesus Christ.

In all my years as District President, this is the most difficult letter I have ever written. It has taken me some time to write because I want to be very clear about what has happened in our Synod and how we live and serve together. This letter is lengthy and challenging to read, I know. I ask you to read it through carefully.

The decision of the LCMS Board of Directors to amend bylaw 2.14 regarding ecclesiastical supervision began in conflict during the Synod's convention last summer. Let me begin my brief explanation by noting the articles of the Synod's constitution salient to the topic.

Article III of the constitution lists the objectives of the Synod as, in part, to:

7. Encourage congregations to strive for uniformity in church practice, but also to develop an appreciation of a variety of responsible practices and customs which are in harmony with our common profession of faith;
8. Provide evangelical supervision, counsel, and care for pastors, teachers, and other professional church workers of the Synod in the performance of their official duties;
9. Provide protection for congregations, pastors, teachers, and other church workers in the performance of their official duties and the maintenance of their rights;
10. Aid in providing for the welfare of pastors, teachers, and other church workers, and their families in the event of illness, disability, retirement, special need, or death.

A part of the Synod's responsibility in carrying out these objectives is to provide ecclesiastical supervision for all rostered workers and congregations of the Synod. Historically, the supervision of members of Synod is the responsibility of district presidents. The constitution clearly defines responsibilities for ecclesiastical supervision.

The Synod's constitution in Article XI gives the Synod President the following responsibilities in ecclesiastical supervision:

1. The President has the supervision regarding the doctrine and the administration of
 - a. All officers of the Synod;
 - b. All such as are employed by the Synod;
 - c. The individual districts of the Synod;
 - d. All district presidents.

Article XII assigns the following responsibilities to the district presidents:

7. The district presidents shall, moreover, especially exercise supervision over the doctrine, life, and administration of office of the ordained and commissioned ministers of their district and acquaint themselves with the religious conditions of the congregations of their district. To this end they shall visit and, according as they deem it necessary, hold investigations in the congregations. Their assistants in this work are the circuit visitors, who therefore shall regularly make their reports to the district president.

Such supervision is intended to encourage and support workers and congregations and, when they err, to restore them to correct teaching and practice. With great evangelical spirit, the bylaws of the Synod define ecclesiastical supervision in this way:

The responsibility, primarily of the President of the Synod and district presidents, to supervise on behalf of the Synod the doctrine, life, and administration of its members, officers, and agencies. Such supervision, subject to the provisions of the Synod's Constitution, Bylaws, and resolutions, includes visitation, evangelical encouragement and support, care, protection, counsel, advice, admonition, and, when necessary, appropriate disciplinary measures to assure that the Constitution, Bylaws, and resolutions of the Synod are followed and implemented. Thus, ecclesiastical supervision is also the presenting, interpreting, and applying of the collective will of the Synod's congregations. Ecclesiastical supervision does not include the responsibility to observe, monitor, control, or direct the day-to-day activities of individual members of the Synod, whether in the conduct of their work or in their private lives (cf. Bylaw 2.14.1 [a]). Further, those constitutional articles and bylaws pertaining to ecclesiastical supervision shall determine the full definition of ecclesiastical supervision. (Bylaw 1.2.1 [i])

In April 2015, prior to the Synod Convention, President Harrison appointed a task force to study ecclesiastical supervision. It is no surprise that the task force concluded that more authority should be given to the President of the Synod. The task force members were Dr. George Gude (Commission on Constitution Matters (CCM)) and Commission on Handbook (COH), Dr. Raymond Hartwig (Secretary of the Synod), Dr. Richard Nuffer (COH) and Judge Neely Owen (CCM). The task force consisted of no district presidents; in fact, the district presidents were completely unaware of the existence of the task force until the publishing of the Convention Workbook in 2016. The topic was not even brought to the Council of Presidents at any time including its April 2016 meeting immediately before the convention. The task force, along with the convention floor committee dealing with the matter (also appointed by the President of the Synod,) requested an interpretation of Synod constitution Article XI and the President of the Synod's responsibility for ecclesiastical supervision. The CCM, which is appointed by the President of the Synod and that had two members on the task force, provided a new interpretation of Article XI that was contrary to previous opinions rendered by the CCM.

As a result of the work of the task force, the convention floor committee proposed these changes to Bylaw 2.14:

- (b) The action to commence expulsion of a congregation or individual from membership in the Synod is the ~~sole~~ responsibility of the district president who has the

responsibility for the ecclesiastical supervision of such member, or by the President of the Synod under Bylaw 2.14.5.2.

2.14.54.2 ~~Whether made by the district president or the Referral Panel, if~~ If the determination of the district president is not to initiate formal proceedings, the district president he shall in writing so inform the accuser, any other district president involved, and the involved member, which shall terminate the matter, unless the accuser presents the written complaint or accusation to the President of the Synod as provided below (Bylaw 2.14.4.3).

(Resolution 12-01A in Today's Business July 10, 2016 Part 2 p.364)

When 20 district presidents were prepared to share with the convention their concerns related to the work of the task force and how this resolution came into being, the resolution was withdrawn and the following resolution was presented and adopted on the basis of Synod bylaws permitting the Synod Board of Directors to amend the bylaws in exceptional circumstances:

- Resolved,* That the Synod in Convention directs the Synod Board of Directors to act in this manner in order to implement clear bylaw procedures regarding this aspect of ecclesiastical supervision; and be it further
- Resolved,* That a consultation process shall be designed by mutual agreement of the Chairman of the Council of Presidents and the President of the Synod, by which the Council of Presidents shall have the opportunity to offer the Secretary of Synod input as to proposed mechanisms to implement expulsion processes consistent with and not contradicting the Constitution of the Synod; and be it further
- Resolved,* That said consultation be accomplished within six months of the close of the 2016 Synod Convention, unless extended by agreement of said Chairman of the Council of Presidents and the President of the Synod; and be it finally
- Resolved,* That these bylaw changes become effective upon adoption by a two-thirds majority of the Synod Board of Directors, as specified in Bylaw 7.1.2.

(Resolution 12-14 Convention Proceedings)

The clear intention of the convention in adopting this resolution was that appropriate consultation between the Secretary of the Synod, the CCM and the COP would take place to come to a workable resolution of the issue acceptable to all concerned. While conversation between the Secretary and COP did take place, there was no consensus on how to proceed. The COP in a private meeting at the convention was told by the CCM that this could be resolved easily; however, what resulted is a major change to who we are as a synod and how we relate to one another. Bylaw 2.14 "Expulsion of Congregations or Individuals from Membership in the Synod" was amended by the Board of Directors to give ecclesiastical supervision over all members of the Synod to the President of the Synod. You can find the complete bylaw in the Handbook 2017 posted on the synod web site.

This is a summary of the change: Previously, when a charge was brought against a member of the Synod that could result in their removal from the roster, according to Article XIII of the constitution, the district president was responsible for investigating and determining if such charges could be substantiated. If he so determined, the member was suspended. The member had the right to appeal his decision. If the charge stood, the member was removed. If the decision of the district president was overturned by a hearing panel, the member was restored. However, **if the district president determined that the charge could not be substantiated, the matter was terminated.** Here is where the substantial change has taken place.

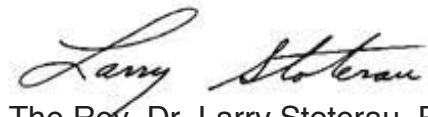
The new reading of Bylaw 2.14 states that, if charges are brought against a member of the Synod which could result in removal from the Synod, the district president is still responsible to investigate. If the district president determines that the charges cannot be substantiated, the accuser **may appeal to the President of the Synod for review and possible suspension**, if the accusation involves a matter of doctrine or practice. If the President determines the charges can be substantiated, **he suspends the member of the Synod**, subject to appeal.

In my opinion and that of several district presidents, this bylaw violates the constitutional articles listed above. The bylaw stands unless/until amended by the Synod in convention. I have great concern for the new direction of the Synod as we become more hierarchical, concentrating authority in the President of the Synod. Comments from other district presidents may be found on www.congregationsmatter.org.

I remain ready to speak with you further and will do so at the Pastors Conference in September among other opportunities.

I pray for each of you as you serve our Lord and His Church and thank you for your ministry in the Pacific Southwest District.

Joyfully Sharing Jesus,

A handwritten signature in cursive script that reads "Larry Stoterau".

The Rev. Dr. Larry Stoterau, President
Pacific Southwest District, LCMS