

Resolutions for the District and Synodical conventions of the LCMS

These proposed resolutions can be improved and modified.

Your input is vital. Your prayers are even more important.

The following situations described actually happened and are documented.

Whereas: it has happened that a District President placed a Pastor on "Restricted Status". In response to the question, why was the letter written, the Pastor replied, to defend my children and referred to the scene in "Braveheart" where the man defended his wife. The letter was five years prior, the DP later felt threatened. The following week the "Restricted Status" was publicly announced to the entire LCMS. It was withdrawn some months later but the damage remained,

Whereas: "Restricted Status" marks a person unavailable for any call for serious reasons: public unrepentant immorality, rejection of Lutheran Confessions, major heresy and the like,

Whereas: the LCMS Constitution and Handbook forbid a DP from ruling on a case where he is a party,

Whereas: the process for appeal is a hearing with three other District Presidents, unrecorded,

Whereas: three DPs ruled in favor of the first DP, even though the DP acted in violation of the LCMS Constitution, and normal practice by ruling on his own case and rendering a judgment far in excess of the original offense,

Whereas: DPs have no way to defend themselves from false accusations when all is secret,

Whereas: report was made to the President of the LCMS and no response received.

Resolved: the entire appeal is to be recorded, transcription given to the parties and placed in Synodical and District files as permanent public record.

Resolved: to add a bylaw that provides authority for the LCMS Praesidium to discipline DPs that violate their oath of office to uphold the Scriptures, Confessions and Constitution of the LCMS.

Whereas: the LCMS mandates rostered staff comply with the Dispute Resolution Process and noncompliance is grounds for dismissal from Synodical roster,

Whereas: the DRP reconcilers are not required to comply with any rules of evidence, or procedure,

Whereas: anything and everything may be secret and undocumented,

Whereas: the principles of the DRP may at times be useful and lead to resolution, at other times they allow great harm,

Whereas: the DRP is effectually a trial and passes judgment on the validity of the complaint. The DRP may damage the career of the accused or leave the complainant further victimized,

Whereas: in Scripture, Confessions, and normal standards of the secular world, the accused is to see and hear the evidence and both parties receive an impartial, complete examination.

Resolved: the accused is permitted to record the entire proceedings, and be given copies of all documentation. The mandate in I Timothy 5 of two witnesses may be met by one witness and documentation. No one and no thing may be kept secret from the accused.

When the accused resigns public office before the DRP makes its ruling, the complaint remains secret since talebearing is sin.

Whereas: DRP findings may be appealed.

Resolved: the entire appeal is to be recorded, transcription given to the parties concerned and placed in District files as a permanent public record.

Whereas: DRP reconcilers are normal sinful people with varying abilities and have absolute power over the careers of rostered staff and over the individuals who make complaints,

Whereas: no report is made concerning DRP reconcilers success or failure rate. The members of the District are unaware and unable to evaluate them for election and reelection.

Resolved: each time a reconciler is involved, the parties are to be asked for their evaluation and recommendation about the reconciler to be continued in their position.

Resolved: that report be made before District elections of the success / failure rate for each reconciler.

Whereas: DRP is "forced arbitration" and enforced by "non-disclosure" under penalty of dismissal from Synodical membership and civil judgment,

Whereas: DRP forbids the parties from seeking satisfaction in civil courts even though Synod itself takes action in Civil Courts.

Resolved: all non-disclosure clauses, including those in the past, are no longer in effect and forbidden in the future.

Resolved: no one is forbidden to seek redress in the courts, as a condition of membership in Synod.

Whereas: the District President is the "gatekeeper" controlling all names submitted to congregations,

Whereas: the DP has exclusive power over the future career of rostered staff,

Whereas: this power is neither historic in the Synod or common in the catholic church,

Whereas: the historic claim is that the Holy Spirit guides and controls the Church,

Whereas: there is report of hundreds of rostered staff who are not serving in congregations at the same time there are hundreds of vacant positions.

Resolved: the Synod return to earlier practice. In addition to DP provided call lists, rostered staff may offer themselves for consideration. Congregation are permitted to call any rostered person to serve.

Whereas: officials when they receive complaints about rostered staff, sometimes do not report the complaint to the individual, yet may keep them in secret files. The individual is unaware of the complaint and unable seek resolution with the offended party. "If you are not going to check out if gossip is true, then you should not have acted on it."

Resolved: All complaints, even if anonymous, must be reported to the individual the day they are received with all known information.

Resolved: No record may be made of anonymous complaints.

Whereas: changes in LCMS practice have been made that are contrary to Scripture and Doctrine and have had negative impact on staff and congregations.

Resolved: the Lutheran Church - Missouri Synod repent of making changes in practice that seemed wise to our own understanding without properly considering the testimony of Scripture and Doctrine, or historical practices of the Church under the guidance of the Holy Spirit.

Whereas CONSTITUTION OF THE LUTHERAN CHURCH—MISSOURI SYNOD
Handbook 1.10 Dispute Resolution of the Synod

Purpose 1.10.2 “It shall be the exclusive remedy to resolve such disputes that involve theological, doctrinal, or ecclesiastical issues”

Whereas: This prohibits legal action by those who have suffered actual harm.

Whereas: Staff, Congregations, Districts and Synod can do anything without risk of legal consequences.

Whereas: DRP personnel as normal sinful people, subject to error, can and do misjudge and ignore real harm to victims and show deference to powerful perpetrators.

Whereas: This may leave victims of harm no way to seek redress, apology, amendment of harm, no way to enforce the award of monetary damages.

Resolved: Purpose 1.10.2 “It shall be the exclusive remedy to resolve such disputes that involve theological, doctrinal, or ecclesiastical issues”

be amended to read: Purpose 1.10.2 “It shall be the suggested remedy to resolve such disputes that involve theological, doctrinal, or ecclesiastical issues”

and amended with the addition: Since monetary damages that can only be awarded by civil court, the DRP can not be used as a defense to prevent issues to be heard in the courts.

Standard Operating Procedures Manual: M: (c). WITNESSES AND EVIDENCE: “
Conformity to legal rules of evidence shall not be necessary”,

Whereas: this appears to allow for gossip to be considered valid evidence.

Whereas: Gossip, is sadly common in the Church and identified as a major cause of congregational conflict and decline.

Whereas: this appears to allow for secret communication to the DRP judge without begin revealed to the participants, so the final ruling is not supported by the testimony.

Resolved: in any DRP hearing or meeting, if anyone presents evidence based on gossip, their testimony ends. They are not allowed to continue as a witness until they repent of their sin and apologize.

Resolved: any communication to the DRP judge outside the hearing must be revealed, both contents and from whom, to the participants. The ruling must be exclusively supported by the testimony and documents.

Handbook 1.10.7.4 “each party may have an advisor present but must represent itself, with no public participation by the advisor.”

Whereas: The Lord of Scripture recognizes the need for advocates, identifying the Holy Spirit as our advocate before the Father.

Whereas: All secular and religious history recognizes the need for advocates.

Whereas: In an issue between equals this may be worthwhile,

Whereas: This is disastrous when there is a victim - perpetrator issue or between unequals,. a normal DRP situation is unequal,

Whereas: A normal result is a wounded person, left without reconciliation, harmed again.

Resolved: Each party may have an advisor, who may take a leading position, directing the testimony and presenting the issues to be resolved, the plaintiff is not required to speak other than answering the questions they are asked.

Handbook 2.14.7.8 (k) “parties shall have the right to an opinion from the CTCR and CCM.”

Whereas: The DRP is not required to forward the request for the opinion,

Whereas: A requested opinion may not arrive before the DRP hearing.

Resolved: A party may postpone a hearing until the opinion requested is received.

SOP M: X. EXCLUSION FROM LIABILITY: “Parties are to understand that the Synod, its reconcilers, its ecclesiastical supervisors, its process administrators, its panels, and all panel members shall be immune from any liability for any acts or omissions that occur during the processes described in Bylaw section 1.10 and this manual.”

Whereas: This exclusion from liability is effectively an admission of deliberate incompetence,

Whereas: The LCMS has no confidence in the DRP.

Resolved: No one is required to participate in the flawed DRP process.