

In Nomine Jesu

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Fall 2019

Pastors, Staff and Congregations, in Christ,

Grace, Wisdom, Courage,

Some people are problems. Always true. How to deal with them? About Fifty years ago the LCMS began a new way that offered better results. Industry and government use it. It is arbitration with non-disclosure. Nothing is recorded. There are no rules. Parties are forbidden to file suit. It works. What is not to like? Since then peace has covered the LCMS.

What bothered me should bother you, since it affects you personally, or may someday. The Scripture, Church History, Doctrine are all in basic agreement. You shall not give false testimony against your neighbor. That has always been basic. No secret accusation by secret accusers. The accused must know by whom and for what he is charged. No secret examination or trial. That is the way it is around the church and the way it used to be in the LCMS.

The following is not a partisan issue. The whole spectrum across the LCMS is affected. It is not even an issue between DPs and staff, congregations. The DPs now have to deal with the fall out from situations without being able to handle the causes. It should make their task more pleasant.

Changes in LCMS practice have been made that are contrary to scripture and doctrine and have had negative impact on staff and congregations. Have you ever been notified that someone has complained about you? Do you think anyone might have? Do you think you should know who and what? Do you think it good that "secret" files are kept concerning you, your ministry, your church? Those files are used to determine how you are treated by district and synod. They determine your future career.

In another denomination every time a complaint is made, that complaint and by whom, is sent that day to the individual, so that they are aware and may take corrective action. Would you like to find out as I did, 30 years later?

There are official and unofficial channels, always will be. "The word is out, you won't ever get a call anywhere." Congregations used to call anyone they wanted. A member's sister in Ohio had a pastor that might be interested, or a son of the parish. Ministers would actually contact, visit a church about an opening.

The Sign of Concord

Soli Deo Gloria

He died for all, so that those who live might live no longer for themselves,
but for him who died and was raised for them. 2 Cor. 5:15

Some times bad choices were made. But it was felt that the Holy Spirit was leading and guiding. Now the DPs decide and control. It is not a good idea to make them unhappy. Bad choices are still made. The claim is that the Holy Spirit is still in charge, but it is the DP who decides. What can congregation or clergy do? Nothing! Complaining to the DP may make things worse.

Pastors and Congregations know that officials have absolute unappealable power over them and their futures. This make the officials happy because everyone appears docile. However Pastors and congregations learn to look out for their own interest first. They are less loyal, less honest, more suspicious and less motivated. Some are aware that there are other denominations that might be better for them. I have known fine men and women driven out of the LCMS to serve elsewhere, leaving a foul taste in churches and schools.

The LCMS constitutionally mandated the Dispute Resolution Process (DRP) The DRP has no set "rules", therefore it allows actions to be taken without grounds or proper procedure. Since it mandates secrecy, nothing is on the record, no allegation needs to be "proven". Refusal to comply with the DRP is Constitutional grounds for dismissal from Synodical roster. Public protest is a violation of secrecy and grounds for civil suit for damages.

Leadership sets the example of the kind of behavior for the followers to emulate, from Synod to clergy to member. If our Theology is so great, why are so many leaving? They are not leaving because of our Theology. "To whom much is given, much is expected."

Following are resolutions that are suggested for you to consider, for congregations and circuits to discuss, for the next District Convention to be sent to the next LCMS convention for adoption.

Of course they can be improved and modified. And they will be. Your input is vital. Your prayers are even more important. You want to tell your neighbor about Jesus. You are the evangelist! Why invite them to a denomination full of pain, that hurts its own?

Some know I have been unhappy with our denomination. I have been assured, I have received normal treatment in the LCMS. You should expect the same. Most of us operate with a principle unless there is a solution, complaints serve no good purpose.

Share this with anyone you want. It is a public letter and posted with other documentation on my web page.

Concord,

/S/

Rev. Stephen H. Funck Ezk. 3:16ff

Resolutions for the District and Synodical conventions of the LCMS

The following situations described actually happened and are documented.

Whereas: it has happened that a District President placed a Pastor on "Restricted Status" a week after the Pastor said something that displeased the DP. The "Restricted Status" was publicly announced to the entire LCMS,

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 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.

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August 12, 2019

Dr John Denninger, President of the Southeastern District of the LCMS
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Grace and Peace, Wisdom and Courage,

You know I am both creative and persistent. And that I look for good solutions. I try to find the sources that lay behind problems. The most intractable problems are usually the unintended consequences of what seemed to be good ideas, good ways.

When did problems begin, what changed? How are matters done in other denominations? What is the guidance in Scripture, confessions?

We look back to the glory days in the LCMS of amazing growth and internal peace. There was nothing like the warfare we experience. We could go back to 1944, there were rumblings before. That was never settled. The under current festered and broke out twenty years later. I was at the Sem '64 to '68. It was not pleasant, not marked by the Spirit of God. "We will win the election and enforce our peace." Human power, wisdom devoid of the Spirit. The opposition countered, used power, to silence the trouble makers.

There always will be trouble makers. The question for the Church, the Christian, is how to deal with them? Silence them, drive them away, split the church? "Our victory proves God is on our side!" "We lost but that proves we are bearing the cross of Christ!" Both claims are self-righteous and demonstrate spiritual emptiness.

I am writing you to seek your consideration, to advise, to suggest changes in the following. This deals with one facet of the LCMS situation. It may be a keystone that when dislodged may provide openings for the Spirit of the Church to heal and bless. This was begun last January. I was led to think after this summer's LCMS convention, there might be a willingness to reflect.

Before the Fall PCW conferences, this will be sent to the local circuits to propose to the SED convention, then to send on to the next Synodical convention. I do not like springing surprises. It would be much better if you as SED president would not act as if this was a personal attack on you. I assure you it is not. I hold you in the highest regard of all the DPs. Any response must get to me before Oct. 15th.

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but for him who died and was raised for them. 2 Cor. 5:15

As SED President you have the responsibility to defend and maintain SED positions and practice. However as SED president, you also have the power, position, authority to lead the SED in new directions. The one sometimes is in opposition with the other. SED staff can not promote actions opposed to you or SED history without being disloyal. As District President you can, with discretion, attempt to bring needed changes. There are other District Presidents who might support proper action.

Remember the long lawsuit over the property in Oakland CA? The LCMS, CHN dropped the suit and the next LCMS convention passed a resolution forbidding such suits. I hope, pray, expect, that the following proposal will be also broadly supported. Many throughout Synod have been hurt, seen others hurt, been frustrated by their inability to help, been afraid of retaliation if they speak up.

Worse, all our emphasis on evangelism, outreach, is not very successful. I especially note that with the great unhappiness in the ELCA, few are interested in joining the LCMS. I have been laughed at by friends for suggesting it. They prefer the ELCA. Why? They have seen how we treat our own. I have friends who know how other denominations act. They were horrified when I suggested their denomination treated people the way we do. All the Church Growth gurus agree the fastest way to grow, the key, is prevention of back door loses. Everyone who leaves bitter, angry, spreads a message to friend, family, stranger, STAY AWAY.

The LCMS for a long time has been troubled. The warfare over elections is a vivid example. We fight to elect the right guy and find that has not ended the problems. It is a symptom of the problem not the cure.

There was The Clergy Shortage Study by Dr. Alan Klass, Nov. 11, 1999 and Task Force on Synodical Harmony March 2, 2011. Both reported deep malaise ,feelings of hurt and anger. Any organization with reports like those would be considered on the way to self imposed death. There will always be a few malcontents but both reports revealed widespread issues.

In modern times the DP has become the "GateKeeper", controlling the call lists. There are arguments for that, but old LCMS would be appalled at the destruction of congregational autonomy. The result is the whenever called staff disappoint, the DP becomes the fall guy. In times past, Pastors would even travel long distances to check out prospective congregations. Replacing the Holy Spirit by the DP was not a wise idea. The actual record is worse. I know men with bad public records moved on (by DP) to damage another place and good men who serve well without accusation left to die on the vine. DPs have said: "I put your name out." That is known to be a lie if no congregation checks them out. The DP has absolute power to destroy anyone's career. That will never lead to good. The RC Archbishop, the Pope, do not have the power to do that! The situation is the same for called teachers. I know names, incidents , schools damaged.

Concord,

Rev. Stephen H. Funck Ezk. 3:16ff

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