

“The Synod Has Spoken”

A Brief Analysis of the Arguments in Favor of Dr. Benke’s Participation in “A Prayer for America”

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“The Synod has spoken,” wrote Dr. David Benke¹, following a Dispute Resolution Panel decision to restore him to full membership from suspended status. That decision ended a lengthy dispute resolution process concerning Dr. Benke’s involvement in “A Prayer for America,” an interfaith service held at Yankee Stadium on September 23, 2001. This crisis has further exposed deep divisions within The Lutheran Church—Missouri Synod, and the decision of the panel has hardly defused the tension.

In rendering the decision, the appeals panel noted, “Debate will and should continue.”² In keeping with their expressed desire, the following observations and questions are put forth. With the decision, the sum total of members of the Synod has ostensibly spoken. But what has the Synod said? What follows is a brief analysis of the arguments used to defend Dr. Benke’s participation in “A Prayer for America.” It is not intended to be a treatment of the matter from the Scriptures or the Lutheran Confessions; rather, it simply examines the arguments on their own merits.

A Prayer for America

Gerald Kieschnick was installed as president on September 8, 2001, three days before the terrorist destruction of the World Trade Center. On September 23, Dr. David Benke took part in a syncretistic prayer service at Yankee Stadium. “A Prayer for America” was broadcast nationally on C-SPAN, and included sermons, prayers and readings by Muslim, Hindu, Jewish and Christian clergy. Benke was immediately criticized for his participation, in part because he had previously apologized for a similar action.³ A few days later, Gerald Kieschnick voiced support for David Benke in a public statement, offering three arguments in his defense.⁴

1. “A Prayer for America” was not a worship service, but a civic event. Therefore, it could not be syncretistic worship.
2. Dr. Benke had prior approval from Dr. Kieschnick to participate.
3. Dr. Benke’s participation was considered a “Case of Discretion” as outlined in the CTCR document, “A Lutheran Understanding of Church Fellowship: A Report on Synodical Discussions.” This document was commended for further study and use by the delegates to the 2001 synodical convention in Resolution 3-07A.

We examine each of these arguments in turn.

¹ “Response to Correspondence from Rev. Wallace Schulz,” http://www.stpeter-brooklyn.org/schulz_correspondence.html

² Decision of Dispute Resolution Panel, The Lutheran Church—Missouri Synod, April 10, 2003, p. 12.

³ “Benke Apologizes to Synod over Prayer Service,” LCMSNews #98-87.

⁴ “A Statement from Dr. Gerald B. Kieschnick, President of The Lutheran Church—Missouri Synod, Regarding Atlantic District President David Benke’s Participation in ‘A Prayer for America’ at Yankee Stadium.” September 27, 2001

1. Worship Service or Civic Event?

In his initial statement of support for Dr. Benke, Dr. Kieschnick referred to “A Prayer for America” as an “event,” and specifically referred to a section in the CTCR document regarding civic events. This argument was made to several secular newspapers. A November 24, 2001, article in the Washington Post concludes,

“But Benke did not violate church law when he prayed at Yankee Stadium because he invoked the name of Jesus, Kieschnick said. And arguments by Bohler and others that the event constituted ‘worship’ are unfounded, he said. ‘I have a clear picture in my mind of what a congregation looks like, and it’s not Yankee Stadium.’”⁵

In the Des Moines Sunday Register, LCMS spokesman David Strand echoed Kieschnick,

“It was held in a baseball stadium. Oprah Winfrey and James Earl Jones opened it. Hot dogs and soft drinks were sold at reduced prices. All those things taken together would seem to point pretty clearly to this being a civic event more than a worship service.”⁶

These quotes indicate that the argument for “civic event” over a “worship service” is based upon the setting, people and refreshments. On this basis, it is argued that “A Prayer for America” was not worship. But while the sale of hot dogs and soft drinks certainly adds an element of tackiness, this does not change the essentials of worship. In fact, it is overwhelmingly evident that “A Prayer for America” was always intended to be an interfaith prayer service.

1. In preparation for “A Prayer for America,” the office of Mayor Rudy Giuliani sent out a press release. Two relevant paragraphs read as follows:

Mayor Rudolph W. Giuliani today announced “A Prayer for America,” **an interfaith service** for the families and colleagues of the victims of the World Trade Center tragedy....

“This event will give families of victims and those affected by the tragedy an opportunity to come together, **worship together**, and gain strength from the support of their fellow New Yorkers, and fellow Americans,” said Mayor Giuliani. “I encourage all New Yorkers to participate in their own way – either at the event, through their houses of worship or in their homes.”⁷

Clearly, “A Prayer for America” was advertised and intended as a worship service, not merely a civic event.

2. A viewing of the C-SPAN video reveals that the words “New York City **Prayer Service**” appear some 52 times on the big screen in the ballpark during the service.

⁵ “The Limits of Religious Unity: Interfaith Services for Terrorism Victims Raise Questions for Clergy,” by Bill Broadway. Washington Post, November 24, 2001, p. B09.

⁶ “Conservative Christians Struggle with Memorials,” by Rachel Zoll. Des Moines Sunday Register, December 2, 2001

⁷ New York Mayor’s Press Office, Press release #321-01. Boldface mine.

3. Dr. Benke's prefatory remarks to his prayer read as follows:

"Oh, we're stronger now than we were an hour ago. And you know, my sisters and brothers, we're not nearly as strong as we're going to be. And the strength we have is the power of love, and the power of love you have received is from God, for God is love. So take the hand of the one next to you now and join me in prayer on this field of dreams turned into God's house of prayer."⁸

Leaving aside for the moment the theological import of the first sentence, please note that Dr. Benke refers to "A Prayer for America" as "this field of dreams turned into God's house of prayer." This is an odd description of a civic event; it is far more in keeping with a worship service.

4. MSNBC.com reported on "A Prayer for America" in an article entitled, "Thousands attend N.Y., N.J. services." It begins, "Yankee Stadium became a cathedral, mosque and synagogue Sunday as some 20,000 people gathered for an interfaith service to remember the victims of terrorism." The fourth paragraph of the article quotes Dr. Benke's comment of "the [sic] field of dreams turned into God's house of prayer."⁹ The "event" was clearly regarded as a worship service.¹⁰

5. A closer examination of Resolution 3-07A and the commended CTCR document follows in a separate section. Noted above, however, is that Dr. Kieschnick has justified Dr. Benke's participation in "A Prayer for America" upon that document based upon some paragraphs regarding "cases of discretion," at the same time insisting that "A Prayer for America" was not a worship service. On the page prior to those oft-cited paragraphs is a footnote, which reads:

In a 1973 opinion titled 'What Is a Service?' (with which the CTCR concurred) the Synod's Commission on Worship responded in part as follows to the question, 'Is a wedding ceremony a 'service' in the same sense as, for instance, Sunday morning worship?'

...any occasion on which a public worship of God occurs-that is, in which the Word of God and prayer are used by a regularly designated worship leader of the church-is understood to be a 'service.' This would therefore include not only those occasions regularly designated as worship services (e.g., the ordinary Sunday morning worship noted in

⁸ Transcript of "A Prayer for America" by Kathryn A. Jagow, Registered Professional Reporter and member in good standing of the Wisconsin Court Reporters Association and the National Court Reporters Association.

⁹ <http://www.msnbc.com/news/628163.asp>, September 24, 2001.

¹⁰ This view is supported by articles in the secular press, which repeatedly referred to "A Prayer for America as a "service." For examples, see "Punished for Praying," <http://www.msnbc.com/news/78163.asp>; "Missouri synod leader accused of breaking church law in post-9/11 prayers" by Lawn Griffiths in the Arizona Tribune, <http://www.aztrib/spirituallife/spirit4.shtml>; "Religion News in Brief, December 13, 2001," http://dailynews.yahoo.com/h/ap/20011213/us/religion_briefs_1.html; "The Limits of Religious Unity," by Bill Broadway, Washington Post, November 24, 2001, Page B09; "Conservative Christians struggle with memorials," by Rachel Zoll, Des Moines Sunday Register, December 2, 2001; "Preparing to Take On His Church Suspended Lutheran Minister Is Accused of Worshiping With 'Pagans'," by Daniel J. Wakin, New York Times, July 13, 2002, <http://www.nytimes.com/2002/07/10/nyregion/10LUTH.html>; and "Minister's suspension exposes debate on interfaith relations," by Gary Stern, July 24, 2002, <http://thejournalnews.com/newsroom/0702302/23benke.html>. Lest it be proposed that this is only a secular opinion, the Episcopal Church also referred to it as an "interfaith prayer service" in "ELCA Lutherans in New York grieve suspension of Missouri Synod colleague," July 18, 2002, <http://www.episcopalchurch.org/ens/2002-177.html>.

the question above) but also occasions—such as weddings, funerals, dedications, baccalaureates, etc.—which may have an ad hoc assembly different from the regular congregational worship assembly.

It should be noted, moreover, that there are other types of 'service' than just the 'public' occasions for worship. Thus when the congregation's (or its delegated representative's—e.g., mission board, association of congregations, etc.) officially designated worship leader (chaplain, pastor, etc.) carries out his regularly appointed ministerial functions (private Communion, etc.) in which the Word of God and prayer (also at times exposition of the Word and/or singing of hymns) form the major portion of such function, this also is rightly understood to be a congregational 'service,' albeit only a private or semiprivate one.¹¹

“A Prayer for America” included Christian clergy who read the Word of God and led the gathering in prayer, just as it included readings and prayers by clergy of other religions. The document used to defend “A Prayer for America” as a civic event actually defines it as a worship service.

6. Although “A Prayer for America” was clearly a worship service, let us say for argument’s sake that it was a civic event. Does it really matter? The Scriptures do not say, “When in worship, syncretism is forbidden; elsewhere, it is permitted.” We are to give a clear witness at all times. Reflecting this, Article VI of the Constitution of the LCMS states, “Conditions for acquiring and holding membership in the Synod are the following... Renunciation of unionism and syncretism of every description...”¹² The article goes on to include participation in syncretistic worship services as an example of the above, but does not limit syncretism to worship. It says “of every description.”

7. “A Prayer for America” surely falls under the category of syncretism of some description. This is confirmed by Dr. David Benke himself. In a May 2, 2002, e-mail, he wrote, “**Clearly the event was syncretistic.**”¹³ Dr. Benke honestly confirms he participated in a syncretistic event; in that paper, he argues that this is acceptable because “A Prayer for America” was a civic event, not a worship service. According to Dr. Benke’s own argument, it follows that if “A Prayer for America” was a service, he was therefore wrong to participate.

Given the overwhelming evidence above, the event was clearly an interfaith prayer service; and clearly by Dr. Benke’s own admission, it was syncretistic. On what basis can it be argued otherwise?

2. Prior Approval from the Synodical President

In his initial statement of support for Dr. Benke’s participation, Dr. Kieschnick wrote, “President Benke contacted me twice about the event prior to his participation. I did and do support

¹¹ “A Lutheran Understanding of Church Fellowship: A Report on Synodical Discussions,” p. 6-7

¹² Constitution of The Lutheran Church—Missouri Synod, Article VI. 2001 Handbook, p. 8. Italics mine.

¹³ Appendix U of the Schulz report. Boldface and underline is Dr. Benke’s (!). It is noteworthy that the dispute resolution panel did not address this admission.

the pastoral decision he made to participate.”¹⁴ In a July 9, 2002, memo to members of the synod, Dr. Kieschnick asserted three times that, as Dr. Benke’s “ecclesiastical supervisor,” he had approved Dr. Benke’s participation in “A Prayer for America.” He furthermore wrote:

According to the Constitution of the LCMS, it is the President of the Synod, who “has the supervision regarding the doctrine and the administration of...all District Presidents...” (LCMS Constitution Article XI. 1.d.), and thus bears primary responsibility and is ultimately accountable for the counsel and advice he provides a District President, in the process of seeing to it “that the resolutions of the Synod are carried out.” (Cf. also Bylaw 3.101.A.1).¹⁵

Dr. Kieschnick thereby asserted that Dr. Benke could not be held responsible for his participation in “A Prayer for America,” because the accountability fell upon his ecclesiastical supervisor—Dr. Kieschnick, who had approved his participation.

The assertion was remarkable, one that has failed the standards of the secular world. Time and time again, military courts have punished soldiers who followed illegal commands of their superiors. “I was only following orders” and “I had permission” are not legitimate defenses, even in the eyes of the world. The Scriptures are quite clear as to responsibility: “The soul who sins shall die. The son shall not bear the guilt of the father, nor the father bear the guilt of the son. The righteousness of the righteous shall be upon himself, and the wickedness of the wicked shall be upon himself” (Ezek. 18:20).

However, on January 20-21, 2003, the [Kieschnick-appointed] Commission on Constitutional Matters ruled that Kieschnick’s position is correct, stating officially in opinions 02-2296 and 02-2320:

The Constitution and Bylaws of the Synod do not allow or contemplate the expulsion of a member of the Synod on the basis of an action taken with the full knowledge and approval of the appropriate ecclesiastical supervisor.¹⁶

CCM Decision 02-2309 then stated:

It would be inconsistent with the above constitutional provisions to place the membership of an individual or congregation at risk where that member relies on the ecclesiastical supervision and counsel of the person called and chosen for that role or function. If an act is in fact contrary to Article XIII [Expulsion from the Synod] of the Constitution, the member who acted cannot be charged since he or she acted according to the advice of his or her ecclesiastical supervisor. It should be noted, however, that when a ecclesiastical supervisor discovers error in his counsel, it is incumbent upon that supervisor to correct or amend it. The member should then be held to consider the corrected counsel. Failure to consider such

¹⁴ “A Statement from Dr. Gerald B. Kieschnick, President of The Lutheran Church—Missouri Synod, Regarding Atlantic District President David Benke’s Participation in ‘A Prayer for America’ at Yankee Stadium.” September 27, 2001

¹⁵ “Pastoral Letter to the Synod,” July 9, 2002, page 3.

¹⁶ Commission on Constitutional Matters Minutes, January 20-21, 2003, Item 114.

amended admonition could form the basis for disciplinary action as provided in Article XIII.¹⁷

The CCM thus established that permission from an ecclesiastical supervisor shields a member of synod from complaint. (Constitutionally, this opinion is binding in the LCMS unless overturned in convention.)¹⁸ Therefore, in shielding Dr. Benke from complaint, the CCM declared that Dr. Kieschnick is indeed accountable for Dr. Benke's participation.

Why has Dr. Kieschnick not been held accountable in the matter of "A Prayer for America"? In fact, Dr. Kieschnick was charged in related matters. However, the CCM opined on December 9, 2001, that a synodical president may only be disciplined by the synod in convention.¹⁹ Charges were therefore dismissed against Dr. Kieschnick.

The LCMS has entered into a curious situation for a church body that proclaims *sola Scriptura*: The top ecclesiastical supervisor's approval shields others from discipline, even if the sinfulness of the action is clear. Furthermore, he can only be disciplined by a convention that he organizes and chairs. According to the CCM's opinions, this is constitutional. However, the questions must be asked: Is it wise? More to the point, is it Scriptural?

3. Resolution 3-07A

Dr. Kieschnick has resolutely defended Dr. Benke's participation under resolution 3-07A of the 2001 LCMS convention. Some background is in order:

At the 1998 synodical convention, delegates requested that the Commission on Theology and Church Relations (CTCR) produce a study on the matter of church fellowship.²⁰ The scope of the study was to examine fellowship situations with Christians from other church bodies; it included a "Cases of Discretion" portion to address the participation of pastors at baccalaureate services and pro-life rallies, where clergy of *other Christian churches* were also taking apart. The document was to be ready for the district conventions of 2000, and a follow-up report presented to the synodical convention in 2001. At the 2001 synodical convention, delegates passed resolution 3-07A regarding the CTCR document, "The Lutheran Understanding of Church Fellowship," commending the study and response to the LCMS for "continued use and guidance." The resolution declared the document to be Scriptural and confessional, and in accord with the synod's historic position.

In defense of Dr. Benke, Dr. Kieschnick maintains that his participation in "A Prayer for America" is permitted by the "Cases of Discretion" section in the response document. This is problematic on at least three points.

First, Dr. Kieschnick refers to "Cases of Discretion" because it deals with a pastor's participation in civic events. However, the evidence is conclusive that "A Prayer for America" was a worship service. Therefore, instead of "Cases of Discretion," the previous portion of the document would apply, including these prescient words:

¹⁷ Commission on Constitutional Matters Minutes, January 20-21, 2003, Item 115.

¹⁸ LCMS bylaw 3.905.d

¹⁹ CCM Opinion 01-2240, "Ecclesiastical Supervision of the Synodical President."

²⁰ 1998 Synodical Convention, Resolution 3-51.

Leading such services with those not in church fellowship with the LCMS violates the Synod's biblical and confessional commitments.

The promise not to participate in worship services with those not in church fellowship with the LCMS applies particularly to pastors, who are the official representatives of both their congregations and the LCMS. Their solemn commitment to the scriptural and confessional position of the LCMS must be their guide and will supersede personal feelings or preferences. Trust among LCMS pastors, congregations, and leaders allows everyone to carry out their commitment to fellowship practices to which they have mutually agreed. This trust is undermined when these commitments, as they are set forth in the official documents of the LCMS, are openly violated. Public knowledge of such violations strains relationships and makes reasoned discourse of real issues difficult. This in turn hinders pastors from exercising discretion in unclear situations.²¹

Second, Resolution 3-07A has no application to "A Prayer for America." It is about fellowship with other Christians, not participation in interfaith worship services. The CTCR, *which authored the document*, has stated that the document *has no bearing on "A Prayer for America"* because it was not intended to address interfaith fellowship:

Section V, B. [of *A Lutheran Understanding of Church Fellowship*] does not explicitly address the issue of "offering a prayer by an LCMS pastor in a 'civic event' in which prayers would also be offered by representatives of non-Christian religions." The CTCR is presently considering assignments with respect to this issue, including the formulation of guidelines for participation in civic events and the definition of "civic event."²²

(Furthermore, on April 29, 1983, the CTCR noted that its studies were opinions, and not binding on the membership of synod unless adopted as an official position of synod.²³)

The use of Resolution 3-07A in defense of Benke's participation assigns teachings to the document that are not there. Compounding the error is that this argument goes on to defend Dr. Benke on a manmade argument, over and above the clear Word of Scripture. In hearing Dr. Benke's appeal of Dr. Schulz's decision, the appeals panel received testimony from Dr. Sam Nafzger, executive secretary of the CTCR. Dr. Nafzger wrote,

The Synod itself determines what it understands the Scriptures and the Lutheran Confessions to teach. It alone establishes the doctrinal position of the Synod. It does this by adopting, by majority vote at synodical conventions, doctrinal resolutions and more formal statements of belief.²⁴

Nafzger's argument holds that the Synod establishes its doctrinal opinion by *its understanding* of Scripture and the Lutheran Confessions—an opinion which may admittedly be at variance with what Scripture and the Confessions actually say. To clarify, Dr. Nafzger continued:

²¹ "A Lutheran Understanding of Church Fellowship: A Report on Synodical Discussions," p 7.

²² "Response to Questions from Dispute Resolution Panel," February 18, 2003

²³ Role and Function of the CTCR, April 29, 1983

²⁴ Letter of January 10, 2002, quoted in "Decision of Dispute Resolution Panel," April 10, 2003.

In summary, the doctrinal resolutions and statements of belief adopted by the Synod in Convention present the Synod's own collective understanding of the teaching of Holy Scripture as the final judge, rule and norm of faith and practice. **The Synod is not elevating resolutions which it adopts over the Scriptures when it requires its members to honor and uphold such doctrinal resolutions and statements. This is rather a recognition of what it is that the majority of its members understand the Scriptures to teach.**²⁵

He further noted that, as it is possible for synods to err, there are proper procedures for dissent. However, given the evidence thus far, it must be asked: When a convention resolution which speaks to Christian fellowship is misapplied in support of an interfaith worship service, does this really represent what "the majority of [the synod's] members understand the Scriptures to teach"?

While Dr. Nafzger attempted to keep the Scriptures as the norm of doctrine, Dr. Kieschnick's July 9, 2002, "Pastoral Letter to the Synod," seems to have pushed the argument further. In criticizing Schulz's suspension of Benke, he wrote:

As an officer of the Synod Dr. Schulz is bound to honor and uphold the resolutions of the Synod. Accordingly, any decision which he might make regarding the suspension of an LCMS pastor must be based on the understanding of what the Scriptures and the Lutheran Confessions teach as determined by The Lutheran Church—Missouri Synod in its constitution, by-laws, and synodical resolutions. This he has not done in his action of suspending Dr. Benke.²⁶

Where Nafzger wrote that the LCMS positions its doctrine upon what it understands the Scriptures and the Lutheran Confessions to teach, Dr. Kieschnick wrote that LCMS polity documents determine what the Scriptures and Lutheran Confessions say. Throughout the course of the dispute resolution, he would resolutely defend Dr. Benke on the basis of 3-07A, not Scripture or the Lutheran Confessions.

On this basis, the dispute resolution panel would establish that a synodical convention resolution represents the "collective will of the synod," taking precedence over Scripture as the teaching of the LCMS.²⁷

The Decision of the Appeals Panel

The Dispute Resolution Panel (DRP) issued its final decision on April 10, 2003. It overturned Dr. Schulz's decision to suspend Dr. Benke, restoring the latter to full membership in good standing. In its final report, the DRP made the following points:

1. The panel noted that Dr. Schulz presented "a very thorough argument concerning the charges on the basis of the Holy Scriptures alone."²⁸ In fact, the panel made no attempt to refute Dr. Schulz's application of Scripture, and thus the argument still stands.

²⁵ Letter of January 10, 2002, quoted in "Decision of Dispute Resolution Panel," April 10, 2003. Boldface his.

²⁶ "Pastoral Letter to the Synod," July 9, 2002, page 3. Underline his.

²⁷ Decision of Dispute Resolution Panel, The Lutheran Church—Missouri Synod, April 10, 2003, Page 13

2. According to the DRP, “The Resolution [3-07A] expresses the collective will of the Synod and not only does apply, but is the very basis for participation.”²⁹ The panel report cites the resolution 28 times in 13 pages; it does not cite Scripture once. Despite Dr. Benke’s admission that the event was clearly syncretistic, the DRP held that it was not.³⁰

3. In making Resolution 3-07A the basis for Benke’s restoration, the DRP accepted that “A Prayer for America” was a civic event, not a worship service.

4. The DRP also explicitly cited CCM Opinion 02-2309, that a member of synod cannot be held accountable if he has prior permission from his ecclesiastical supervisor.³¹

The panel noted, “Debate will and should continue.” Whether this is descriptive or prescriptive, the statement is correct. What does it mean when an appeals panel fails to refute a Scriptural argument, but rules against it on the basis of a convention resolution? What does it mean when that resolution is taken so wildly out of context? When a resolution is so misapplied, is it at all plausible that this misapplication represents the collective will of the synod? If a panel misuses a convention resolution and cites it as the “collective will” of the synod, and members of the synod object to the misuse, then who is dissenting from the synod’s official position? In other words, is this what the pastors and congregations mean to say? Finally, given his open admission that “Clearly the event was syncretistic,” is it an act of Christian love to restore Dr. Benke to membership and thus confirm his participation in syncretism?

Aftermath

The restoration of Dr. Benke is not the great crisis within the LCMS. The greater crisis is the pattern throughout the proceedings of elevating man’s word over the clear Word of God. The early aftermath is disturbing.

A disquieting syllogism has emerged as a result of this process. Resolution 3-07A declared that “A Lutheran Understanding of Church Fellowship” supported the historic position of the LCMS. Dr. Kieschnick and the DRP maintain that the resolution allows participation in syncretistic services. Continued to its conclusion, it follows that the historic position of the synod is to allow participation in syncretistic services. When has the LCMS ever in its history promoted syncretism? Given the prohibition of the same in the Constitution, the answer seems clear. Nevertheless, a terrible, contradicting precedent has been set.

²⁸ Decision of Dispute Resolution Panel, The Lutheran Church—Missouri Synod, April 10, 2003, Page 6.

²⁹ Decision of Dispute Resolution Panel, The Lutheran Church—Missouri Synod, April 10, 2003, p. 6.

³⁰ The DRP panel writes, “The format and objective of the event was not to provide religious, ecumenical, unionistic, syncretism,” and “The context [of “A Prayer for America”] does not support conclusions of religious syncretism or unionism” (p. 12). Again, we must remember Mayor Giuliani’s invitation (see page 2, above) for people to “worship together” in an “interfaith service.” The context would certainly seem to support religious syncretism. Even if it does not, please note the different foundations: Dr. Schulz found the service to be syncretistic on the basis of Scripture; when the panel declared it was not syncretistic, it cited “context,” “format” and “objective.”

³¹ Decision of Dispute Resolution Panel, The Lutheran Church—Missouri Synod, April 10, 2003, p. 10-11.

The extent of its application is unclear, but there are troubling signs. Christianity Today carried an article online on May 21, 2003 about the appeals panel decision. The final paragraph reads as follows:

Kieschnick considers the Yankee Stadium debate closed but knows that tensions remain. “If some individuals or groups decide they disagree with what the Missouri Synod teaches, believes and confesses, they have the responsibility to discuss their dissent,” Kieschnick says. “If they are unable to persuade the rest of the church body that they are right, then they have a choice to make.”³²

According to the synodical president, it appears that those who disagree with the outcome of the Benke case now dissent from the official position of the LCMS. This is supported by a recent memo from Dr. Kieschnick to district presidents, discussing pastors and congregations who have attached their names to a document “That They May Be One.” This document expresses concerns that Dr Benke’s participation in “A Prayer for America” violates “our agreement to renounce ‘unionism and syncretism of every description,’”³³ and—for the sake of clarity and concord, presents its argument on the basis of Scripture and the Lutheran Confessions. Dr. Kieschnick categorizes the document as an attempt to introduce a new confessional statement into the synod and wrote to district presidents:

Following prayerful deliberation on these matters, I respectfully encourage each of you, the District Presidents of The Lutheran Church-Missouri Synod, to continue to be faithful and consistent in your fraternal and evangelical admonition and **ecclesiastical discipline of the individual and congregational members of the Synod who by their signatures have subscribed to the document entitled "That They May Be One"**, or who in other matters of disagreement in doctrine and practice among us "become divisive and schismatic and therefore subversive of the very purposes of the Synod" (April 29, 2003 CCM Minutes-see Appendix below) in accord with the Constitution and Bylaws of the LCMS, as interpreted in the official opinion of the Commission on Constitutional Matters of the Synod referenced in this memo. It may also be important to converse further about this matter at the September meeting of the Council.³⁴

According to this memo, those who voice disagreement on the basis of Scripture and the Lutheran Confessions are subject to ecclesiastical discipline. The trend continues: Following his restoration, Dr. Benke wrote on his website,

The Synod has spoken. Those who dissent from the Synodical position, including Rev. Schulz and the complainants, need to be treated with the same gentleness and respect, that we afford those who have not yet heard the Good News, but also with forthright candor where their positions are in error. I welcome those opportunities above all.³⁵

³² “Benke Case Closed, but Tensions Remain” by Todd Hertz. ChristianityToday.com, May 21, 2003.

³³ “That They May Be One: A Scriptural and Confessional Statement Concerning Church Fellowship and Public Prayer,” p. 1

³⁴ “A Matter of Importance: Additional Confessional Statements,” May 30, 2003, emphasis mine.

³⁵ http://www.stpeter-brooklyn.org/schulz_correspondence.html

Dr. Benke not only affirms Kieschnick's assertion that those who dissent are at odds with the LCMS, but he also categorizes them with non-Christians—those who have not yet heard the Good News.

One wonders what lies ahead, and what the Synod will say.

We give thanks that we know what the Lord declares—and that the Lord in His faithfulness still prays for His Church:

"I do not pray for these alone, but also for those who will believe in Me through their word; that they all may be one, as You, Father, *are* in Me, and I in You; that they also may be one in Us, that the world may believe that You sent Me. And the glory which You gave Me I have given them, that they may be one just as We are one: I in them, and You in Me; that they may be made perfect in one, and that the world may know that You have sent Me, and have loved them as You have loved Me. Father, I desire that they also whom You gave Me may be with Me where I am, that they may behold My glory which You have given Me; for You loved Me before the foundation of the world. (John 17:20-24)

Pastor Tim Pauls
Exaudi, 2003

[Note: Given the volatile nature of the crisis within the LCMS, the author has endeavored to be most scrupulous in documentation and factual presentation. Still, one must always and honestly concede the possibility of error. Should error be found in typography, logic or doctrine, the author is open to correction, and makes a humble request to those who would draw it to his attention: As part of the correspondence, please articulate what the Gospel is, so that we may be assured that we are corresponding on a mutual foundation, and that we might rejoice in our Lord's gracious and propitiatory sacrifice on the cross for our sins, as well as His resurrection from the dead. Thank you.]