

## PART II

### Determining the Role of the "Status Confessionis" Dispute in the Dissolution of the FAL

Part I was extremely necessary in order to understand exactly what went on when FAL was dissolved. It is important to understand the thinking of the members in CAL in order to properly see the complete sincerity of their actions. Finally, the discussion of Status Confessionis in such detail was important to see exactly what its role was in FAL's dissolution.

Why exactly did FAL dissolve? The Status Confessionis dispute definitely did not cause it singlehandedly. In general, the primary cause of FAL's fall was the LC-MS itself.

The first part of this paper discussed some of the pressures that were upon pastors and congregations when departing from the parent body. When the time for breaking away came near, these pressures increased. District presidents and officials often dealt with specific congregations in an underhanded way. The old line used with the WELS-you'll never make it on your own-was the least of these pressures. D.P.'s would put all kinds of pressure on the pastor, including the charge of "treason." Officials would contact individual members by phone and even meet with small groups in person, without the pastor's knowledge. Teachers in day schools were often specific targets. Unethically, these outsiders would try to get a "loyalist" group started within a congregation in an effort to split it, often when the desires for separation had once been held by all. This was done in the hopes that those desiring a break would not carry it out because it would divide the congregation down the middle. Tactics like

these kept many congregations in the synod. Especially after a formal vote for a break was made, every possible tactic was tried. It seems that this was done in order to make an example of these congregations, hoping that others would see this and take heed. These tactics culminated in actual lawsuits upon some congregations in order to retain the control of the physical plant.

These are serious charges against a Christian church body. The author would not make them if he did not have specific substantiation. Such substantiation was easily found in the pages of Sola Scriptura, the official publication of the FAL. Two such separate incidents in California are worth quoting in order to see the extent of the pressures applied. Yet, these two congregations were not the only ones who felt the wrath of the parent body.

The congregation in Bell Gardens, CA had decided to leave the Missouri synod.

Our former Pastor O.W. Mieger was of great assistance to the congregation in reaching the important decision, to leave the LC-MS; however, since the final decision was made, Pastor Mieger decided that he could not leave the LC-MS. . . .

Legal action was initiated against the congregation by the Southern California District of the LC-MS, Bell Gardens Lutheran Church, the Reverend O.W. Mieger and one officer of the congregation. Rather than waste time, energy and money in a distasteful trial, the members turned the property and buildings over to the minority who desired to remain with the LC-MS.<sup>11</sup>

What prompted a pastor to actually sue the very congregation that he had been leading out of the LC-MS? Something or someone had to be putting extreme pressure on him. Not only did the suit ask for the property, but they wanted a cash settlement of \$1,000,000.00

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<sup>11</sup>Sola Scriptura, Vol. III, No. 1 (July-Aug 1972), pp. 6-7.

and rent of \$2,500.00 a month for as long as the break-away congregation (the majority) used the building.

Bishop, CA was also the scene of unethical behavior by District officials:

While delegate and pastor were at the constituting convention, some of the members held a meeting--not all members were informed--some one from outside the congregation came in--and our congregation was divided. Immediately an attempt was made to reverse our unanimous decisions--this failed in its attempt and several of the members formed a congregation loyal to the LC-MS. . . . Finally, we offered to sell them the property at a fair price since possession of the property seemed to be of utmost importance to them. This price took into consideration that many from both sides had given from their time, labor and money to build the church. We were answered by a temporary restraining order and a lawsuit in the secular courts. . . . Two other congregations in California who left the LC-MS for conscience sake determined by Scripture have also been divided by the outside interference of District and Synodical officials of the LC-MS and have been hauled into the secular courts by their former Christian brothers.<sup>12</sup>

Actions of this type caused great hesitation among other congregations. Along with this, there grew a great hope that the 1973 New Orleans convention of the LC-MS would change all. When that convention actually did elect all the officers advocated by the conservatives and actually did come out on record in favor of conservative doctrine, this squelched ideas of secession for many churches. It seemed that Missouri was turning. FAL tried to point out to others through the pages of Sola Scriptura that the major problems had not been taken care of. But for all intents and purposes, the outward conservative stance of the New Orleans convention sealed the lid on real growth for FAL.

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<sup>12</sup>Sola Scriptura, Vol. II, No. 6 (May-June 1972), p. 8.

FAL now had to swallow a bitter pill. This was the realization that they would not be able to attract the majority of conservatives out of the LC-MS. FAL would stay small. Coming to grips with this fact was likely the reason for much of the impatience and flare-ups when organizational problems appeared. This was compounded by the fact that many of those who would form CAL seemed to believe that if only they had used Status Confessionis the way they first intended, many more conservatives could have been lead out of the Missouri synod. However, this feeling was not voiced to the others at the time.

FAL was young and still experiencing labor pains. None of its members had ever done much in the line of administering a church body before. There was much to learn. When the LC-MS effectively cut off the flow of churches into the FAL, the reactions became similar to a young mother who goes through all the labor pains and birth, and finds out that her new-born is severely handicapped.. That handicapped child can indeed be a blessing, but not exactly in the ways that the parents expected. So it was with the men comprising the Federation. The intended purpose of FAL as a house of refuge had been negated. This had to cause an underlying feeling of anxiety and pessimism. The blessings that God did give FAL were not exactly the kind that most were expecting. In this respect, the geographical distance between congregations had its most negative effect. The financial burden created on a small body in order to meet together for formal meetings was only secondary. The primary problem of the physical separation was that it effectively cut off most social and informal fellowship among the congregations. This permitted a growing apart rather than a growing together. When problems did arise in administration (as would

undoubtedly happen in any young church body), they were compounded by a lack of communication. The acting chairman of the 1974 convention at North Hollywood also saw this as the real issue: the growing lack of desire to work together. Or as a resolution from one of the congregations to the 1974 convention put it: "There is not today the glorious feeling of oneness in mind and spirit which had first been experienced in FAL."

The actual problems that contributed to this feeling of separation are numerous. It is certain that all of these difficulties could have been eventually surmounted if FAL's growth rate had not been stifled. All of these problems had been recognized by the members and it would have been only a matter of time to get them straightened out if the members of FAL had the desire to do it. But the main purpose for their very existence had been torpedoed by outside forces, namely the LC-MS. Therefore I would like to call these difficulties secondary reasons for the dissolution of FAL. If it is possible to put them in order of importance, it would be:

1. Problems with administering the form of government originally cast.
2. Differing views on what courses of action FAL should pursue.
3. The dispute over Status Confessionis.
4. The distance between congregations.
5. A high percentage of internal problems among various congregations.

The greatest problem with distance has already been discussed. The various internal problems affected FAL only to the extent that it gave officials and individual pastors a few more problems to deal with, and thus contribute to the general feeling of discord.

I would like to take a closer look at the first three and most important reasons, and finally center the discussion on the role of Status Confessionis in FAL's dissolution.

1) At the time, disputes over administration was considered to be the major reason for FAL's downfall, especially in the minds of the members of CAL. This is the reason they gave for terminating their membership shortly after the 1974 convention. In later expansion of this, CAL wrote a statement that began: "If there is one word to describe the failure of FAL to continue as a separate church body--it would be the word, AUTONOMY!" The major quarrel involved exactly how much autonomy two important boards (the Mission Committee and the Board of Colloquy and Church Discipline) should have.

According to the original constitution, FAL had an unusual form of government. In the LC-MS, all the members had seen how a presidency could be abused and how autonomous boards could make an entire church body go liberal. Therefore, they set up their administration without a presidency at all. The "ruling" body was called the Board of Directors. This consisted of 8 elected members, 4 pastors and 4 laymen or teachers. All decisions concerning the operation of FAL were to be made through this board. No subordinate committee or board could act on a proposal until it was approved by the entire board. This presented many unforeseen practical problems. For one thing, the chairman could not speak for the entire board on matters that required immediate attention. For another, many of these matters that had to be acted upon quickly, fell under the responsibility of the Mission Committee or the BCCD. These two boards were not even represented on the Board of Directors. Without going into great detail, it is sufficient to say that troubles arose immediately. This

was compounded by a lack of communication and the fact that the men on the Board of Directors were located mainly on the West Coast and the Mission Committee in the Midwest. Most of the troubles arose between these two groups. Errors were made on both sides. The Mission Board acted autonomously on a few matters, with the understanding that it had been given a certain amount of self-government. Officially, this had not been done. The Board of Directors acted on a few matters that fell in the Mission Committee's jurisdiction, without informing the committee. Tensions and silent accusations mounted.

These problems were outwardly erased in the 1973 Vero Beach, Florida convention, when the constitution was altered. The administration was then set up along more conventional lines: a Federation Council now consisted of a chairman, secretary, treasurer and the chairmen of three boards. The various boards were given the necessary amount of autonomy in order to operate smoothly. Unfortunately, the personality clashes that had arisen because of former problems were not that easily erased. A "neutral" chairman had been elected, but had to resign because of personal reasons. This resulted in continuing clashes until no less than 6 of the approximately 18 congregations submitted resolutions for the dissolution of FAL at the 1974 North Hollywood convention. Among these 6 were the two largest congregations, which carried a proportionately large share of FAL's financial support. Note that this dissolution was proposed before the dispute over Status Confessionis had really begun.

2) The other problems that led to these proposals for dissolution could be summed up as differing views on what courses of action FAL should pursue. The West Coast men attached the



convocation was held in Denver in May, 1974. Besides the problems above, this is where the difference of opinion concerning the use of Status Confessionis got its first public airing.

3) At Denver, Status Confessionis was discussed at some length. However, no one was ready at this time to speak decisively against the principle involved in its improper use. Two pastors, who did not become members of the second loose organization called CAL (Conference for Authentic Lutheranism), openly admitted that their congregations were involved with a certain amount of selective fellowship with LC-MS members who had been accustomed to communing at their churches. Others apparently were practicing the use of Status Confessionis to commune those who made such a public declaration. This was not considered by them to be selective fellowship. At this time, these pastors were cautioned not to give communion too freely and not to let the matter get out of hand.

The problem surfaced in full force at the November 5-7, 1974 Convention in North Hollywood. This is really the first time that many of the pastors realized that some of the West Coast congregations were practicing fellowship with individuals that had declared themselves to be in statu confessionis. The resolution advocating this practice was given to the doctrinal committee for discussion. Also, some at the convention were upset by this statement in a bulletin of St. Paul's First Luth. Church of North Hollywood: "Other Lutherans who desire to commune with us are requested to speak with the pastor before communing. Those who have spoken with the pastor and find themselves in doctrinal agreement with our congregation are welcomed and encouraged to commune with us." This was looked upon as blatant selective



fellowship by one side. The other side saw it merely as a proper use of Status Confessionis.

The argument came to the convention floor when the doctrinal committee presented a resolution that delineated the proper and scriptural use of Status Confessionis (see Appendix B, #1). This resolution contradicted the proposed resolution (page 4) by reaffirming the action taken in the 1971 constituting convention. With tensions high because of disagreements that were truly adia-phoristic, this doctrinal issue proved to be too much to handle at the convention. No one was ready to listen to what the opposing side had to say. The first vote on the doctrinal committee resolution was actually against adoption, 26-20. After a recess for study and another lengthy debate, the resolution passed, 27-16. A motion was also passed to set up a conference to study "Status Confessionis" within the next six months.

Some West Coast pastors still felt strong objections to the doctrinal committee resolution. They did not see the problem as doctrinal at all, but merely an attempt by FAL to control the fellowship policy of individual congregations. They strongly believed that their stand on Status Confessionis was solidly scriptural. Therefore a motion was made that would allow congregations to leave FAL if they didn't want to go along with the rules and operating policies of FAL (App. B, #2). Basically to show brotherly love to those objecting, another motion was added to the effect that any such congregations or pastors be given a peaceful release (App. B, #3).

These last two motions became the nub of the problem. In the next months after the 1974 convention, 6 congregations voted to

leave FAL. Four congregations terminated membership. Two congregations asked for a peaceful release. In their formal resolutions, all stated that the reasons they were leaving were purely administrative. They all affirmed that there was still a bond of fellowship between them and the rest of FAL.

The Federation Council now had a real problem on their hands. The six congregations which now began to meet together in the CAL study conference could legitimately drop membership from FAL according to the North Hollywood resolutions. CAL could legitimately expect to stay in fellowship according to the "peaceful release" resolution. Yet, the Council saw that there was a real doctrinal problem which was divisive of fellowship. Therefore they did what seemed to be the only possible solution: in Vero Beach on February 1, 1975, they adopted a resolution that granted releases to the six congregations, terminated fellowship with them, and further resolved to keep the door open for further discussions so that fellowship could be re-established (cf. Appendix C).

This resolution proved to be extremely upsetting to the members in CAL. Their consternation was legitimate from their point of view. Their doctrinal position on fellowship and Status Confessionis in particular had truly never changed since the beginning of FAL. For all intents and purposes, the formal resolutions of FAL at North Hollywood had changed nothing from 1971. They still didn't understand the dangers of their Status Confessionis position, especially concerning ideas about crossing denominational lines. Fellowship with people in statu confessionis was scripturally legitimate in their eyes and not considered selective fellowship (cf. Part I). For them, any rules by FAL concerning fellowship with those in a state of confession were

going beyond the proper bounds for a church body. Therefore this problem, as well as the others, was an administrative one in their eyes. These concerns, as well as an appeal to the FAL to rescind termination of fellowship, were formally voiced in an appeal framed on February 19, 1975. <sup>(cf. App. D)</sup> On that date, the pastors of CAL also framed a position paper on Status Confessionis, which was referred to in Part I. The very next day, some of them came to the Midwest to discuss it with representatives from the ELS and WELS, with whom they were still in fellowship. The termination of fellowship by the FAL Council was so offensive to them that they really did not want to discuss it with any of the FAL members.

Meanwhile, FAL decided to hold a special convention on April 15-17, 1975 at Hillsboro, Oregon to discuss the problem of Status Confessionis and also decide what to do concerning the continuance or dissolution of FAL itself. At this convention, feelings were strong at first to endorse the resolution of the Council that terminated fellowship. But through honest and open discussion and a genuine concern for the brothers in CAL, the convention decided that the fellowship which they formerly held with those in CAL was still in effect. The convention also recognized the withdrawals of the six congregations, but held up the formal granting of peaceful releases until the disagreement about Status Confessionis could be settled in a meeting of WELS, ELS, FAL and CAL (cf. Appendix E).

This convention then went on to start action for the dissolution of FAL. Resolutions were passed (cf. Appendix F) that would merge FAL with the WELS upon formal approval of two-thirds of the congregations and upon approval of WELS itself.

The individual congregations were given the freedom to seek membership in either of the sister synods or to remain independent. These resolutions were fully carried out by August, 1975. FAL officially ceased to exist when the WELS convention accepted their assets and responsibilities.

For various reasons, the meeting requested to discuss Status Confessionals could not be held until November 17-18, 1975. This meeting did not include representatives from FAL because by that time FAL had been completely dissolved. How this meeting was successfully concluded is described in Part I.

Why did events in the dissolution of FAL take the turn that they did? Considering the resolutions made in North Hollywood concerning withdrawal from FAL, both sides of the disagreement had justifiable reasons for what they had done. Yet, both sides made mistakes. These mistakes involved mainly a lack of communication and a lack of that type of brotherly love that is willing to go the extra mile. This author is not trying to be judgmental because under the same set of circumstances it is improbable that any other Christian would have acted any differently. Patience had simply run out on both sides. It was stressed in one interview that all the pastors involved were and continue to be fine Christian pastors. I have pointed out throughout this paper that what superficially could be interpreted as possible cases of deception and untruthfulness was not that at all.

In retrospect, it is fairly easy to see what the best possible courses of action should have been. On the part of the Federation Council, more care should have been taken in the wording of their resolution that terminated fellowship with the members of CAL. Again, hindsight is always clearer. The best solution would have

been to meet with the pastors of CAL and admonish them personally before suspending fellowship with them. But circumstances made that unfeasible. In their formal resolution, they had not clarified the exact reasons for termination of fellowship because they felt that it was obvious from the convention in North Hollywood. The resolution referred to certain doctrinal positions and practices which underlie the requests for release. This seems to presume that deception was involved on the part of CAL. Indeed, it must have appeared that way. Still, steps should have been taken by the Council to find out for sure that this was the case. I don't think that the Council realized at the time that CAL sincerely felt that the official Status Confessionis position of FAL was in the field of adiaphora and not in the field of doctrine. It is clear that the Council intended their resolution to be a temporary suspension of fellowship, while the resolution actually speaks of termination. This would definitely be more offensive to the members in CAL.

On the part of the congregations forming CAL, more care should have been taken in stating the reasons for withdrawing membership. Officially they had not properly clarified their reasons for leaving FAL. It made it very easy for the FAL Council to jump to the wrong conclusions. None of the resolutions mentioned the Status Confessionis issue at all. They must have realized that this would be in the minds of the rest of FAL. Secondly, the first four congregations simply terminated membership without asking for a release. This did not leave the Federation Council with much choice but to at least suspend fellowship to show that they felt that there was indeed a doctrinal problem. After the termination of fellowship was declared,

CAL might have tried to overcome their feelings of offense and sit down with the rest of FAL to discuss the Status Confessionis issue. It should have been apparent that this was the issue that prompted the Council to terminate fellowship. It would have been a good course of action to attend the Hillsboro convention, even though the Federation Council had never really stated the exact reasons for terminating fellowship. It would have helped even though they sincerely felt that the Council's action was unwarranted. In all the talks with the EL<sup>2</sup> and WELS, the representatives of CAL showed that they were willing to make changes. They didn't act like persistent errorists. Emotionally, it must have been just too early to discuss the problem with the rest of FAL.

It must be stated that this analysis is not trying to be judgmental, but attempts to be as objective as possible. This analysis may also have some weaknesses that would be apparent to the men involved. Whatever the weaknesses, it is certain that all parties acted in a way that seemed to be the proper thing to do at the time. They were all completely sincere and were trying to do the proper God-pleasing thing. The fact that emotional overtones got involved just shows the sinful human failings to which all Christians are subject.

#### Conclusion

From outward appearances and first observations, it would seem that the Status Confessionis dispute was the major cause of FAL's dissolution. This is definitely not the case. The role of the dispute was completely secondary. It was the one last final straw that broke FAL's back. To compound the problem, this disagreement was not merely a difference of opinion in earthly administration. It definitely did have to do with doctrine,

about which no one was willing (nor should be willing) to compromise. Without the events that led up to the North Hollywood convention, I am perfectly positive that this doctrinal disagreement could have been handled satisfactorily within FAL itself. If FAL had grown as expected, the "spirit of unity" and an optimistic outlook would have been maintained. Even the original church government might have worked better. One of its major problems not yet mentioned is that it required too many pastors to administrate for the size at which FAL stayed.

The primary cause of dissolution still remains Missouri's effectiveness in negating the purpose for which FAL was founded. With its main purpose as a house of refuge squelched, and with dissatisfied pastors beginning to turn directly to the WELS and ELS for an orthodox alternative to the LC-MS, it would have been only a matter of time before FAL would have dissolved anyway. The disagreement over Status Confessionis only proved to be the catalyst that brought about the dissolution of FAL more quickly than expected.

#### EPILOGUE

In the writing of this paper, there is only one regret that the author deeply feels. Because of its very nature in dealing with a dissolution, the paper--of necessity--dwells on all of the difficulties and disturbances within the Federation. There was no time for pointing out all of the blessings that our LORD in His providence had showered upon FAL. There was no room for detailing all of the ways that God unexpectedly used FAL for His

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blessed purposes. The extent to which FAL influenced the LC-MS to take an increasingly conservative stand cannot be humanly gauged. That influence should not be taken lightly. Synodical officials surely had to realize that if the LC-MS did not begin to change their policies, there was an excellent chance that the conservative Lutherans would leave Missouri en masse. FAL's one act of breaking fellowship for the sake of the truths of Scripture and its continuing presence during those tumultuous years of Missouri's history might have done more good than the years of words written by conservative magazines. God had even greater purposes for FAL. The opportunities for mission outreach that God gave this small synod is truly phenomenal. The beginning of the Antigua mission and its continued growth is ample proof of God's purpose for FAL all by itself. Neither can one ignore the spiritual growth in respect to increased knowledge of Scripture and dedication to our redeeming Savior which the people of FAL experienced. The last chairman of the FAL summed it up best:

God has used FAL in a strange but wonderful way. He caused us to begin the blossoming work in Antigua. He enabled us to help refugees from the Missouri Synod establish congregations and or churches in Naples, Florida, Kokomo, Indiana, Bell Gardens, California, Vallejo, California, Hillsboro, Oregon and Sutherlin, Oregon. All this God did with FAL from November 1 of 1971-1975. Surely God blessed FAL and it was a blessing for all of us to have been of service to Him during this time.<sup>13</sup>

May God's kingdom continue to be extended in such strange but wonderful ways.

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<sup>13</sup>June 1975 Letter to the Churches.