



In the Name of the Father and of the Son and of the Holy Ghost. Amen.

Preamble

In the book of Amos, the Lord confronted Israel with the question: “Can two walk together, unless they are agreed?” (3:3) Too often men have attempted to accomplish unity through their own works, and apart from unity in the Word of God.

The Lord declared in His Sermon on the Mount: “Enter by the narrow gate; for wide is the gate and broad is the way that leads to destruction, and there are many who go in by it.” (Matt. 7:13) In Christ Jesus—who is the Way, the Truth and the Life—we have that narrow way. Thus we rejoice in the doctrinal unity which the Holy Spirit creates and sustains within the Bride of Christ, and we are endeavoring “to keep the unity of the Spirit in the bond of peace. There is one body and one Spirit, just as you were called in one hope of your calling; one Lord, one faith, one baptism; one God and Father of all, who is above all, and through all, and in you all.” (Eph. 4:3–6)

Therefore, it is our intention to give expression to the unity which the Holy Spirit has accomplished among us, and to stand together against all the snares of the evil one, and remember our brethren who are suffering in the world. (1 Pet. 5:9) As those whom Christ Jesus has called to serve Him through service to His Bride as “stewards of the mysteries of God,” (1 Cor. 4:1), we now express our unity in service as we come together as *The Evangelical Lutheran Diocese of North America*. We take this step because it is our desire to “Let all things be done decently and in order.” (1 Cor. 14:40)

Holy Scripture and our Confessional Subscription

As Evangelical Lutherans, “We believe, teach and confess that the only rule and standard according to which at once all dogmas and teachers should be esteemed and judged are nothing else than the prophetic and apostolic Scriptures of the Old and of the New Testament...” (FC Ep. Introduction:1) Therefore we gladly reaffirm and confess “that the Unaltered Augsburg Confession is a true exposition of the Word of God and a correct exhibition of the doctrine of the Evangelical Lutheran Church” and that the entirety of the Book of Concord (1580) is “in agreement with this one Scriptural faith.” (Agenda, p. 106–7) According to the intention of the formulators of Concord, we also affirm concerning the Book of Concord: “we have a unanimously received, definite, common form of doctrine, which our Evangelical churches together and in common confess; from and according to which, because it has been derived from God’s Word, all other writings should be judged and adjusted as to how far they are to be approved and accepted.” (FC SD Summary:10)

In keeping with this common confession, we subscribe the Niles Theses (revised 6 June A.D. 2006) and the Malone Theses (6 June A.D. 2006) not as confessional documents in themselves, but with the understanding that they are faithful to the teaching of Holy Scripture and our Lutheran Confessions and address matters of concern to us as we seek to faithfully uphold our common confession in the face of the issues which trouble the Church in this generation. It is our intention that we will further address such matters in the future, and we remain open to review of these Theses where they might be stated more clearly, but in all things we seek to remain faithful to Holy Scripture and the Lutheran Confessions.

The Superintendency and the Diocese

As Evangelical Lutherans, we believe, teach and confess: “it is our greatest wish to maintain Church polity and the grades in the Church, even though they have been made by human authority” (AP XIV:24).

Therefore we have affirmed in the Malone Theses: “We recognize that a truly Evangelical Episcopacy is set forth as the preferred polity of the Evangelical Lutheran Church as taught in the Augsburg Confession (XXVIII), the Apology (XXVIII), and the Treatise on the Power and Primacy of the Pope,” and “We seek the restoration of the historic, preferred polity—that is, the office of Bishop, Presbyter, and Deacon—within the one divinely-established office of the ministry as local circumstances warrant.”

It is thus our intention in establishing this diocese to reestablish a position of oversight among us. As the term ‘diocese’ refers to an administrative area, so we desire that one would conduct such administration among us, for the sake of good order. We acknowledge that the titles “Superintendent” and “Bishop” were utilized throughout the Evangelical Lutheran Church from the time of the Reformation to designation one who had been called to the responsibility of oversight within the Church. Beginning with the Saxon Visitation of 1528, the Superintendent/Bishop was charged with the responsibility of conducting “visitations” so that “in these parishes there is correct Christian teaching, that the Word of God and the holy gospel are truly and purely proclaimed, and that the holy sacraments according to the institution of Christ are provided to the blessing of the people.” (AE 40:313)

When Dr. Martin Chemnitz was called to the Superintendency of Braunschweig, he set forth several points regarding the office of Superintendent which are pleasing to us: First, “just as we preach and teach the positive points in the one Spirit, so we will all fight on the same side in necessary controversies and stand together against errors, and when new conflicts arise, we will not each follow his own judgment and personal opinion but rather will deliberate together in conference over the points under controversy”; Second, “Likewise, we must all stick together, as we have in the past, and retain the practice that each does not build up himself or act as lord in his congregation and do what he pleases in preaching, administration of the sacraments, liturgical practices, discipline and other aspects of his office”; Third, “there must be no belittling or speaking evil of one another, but rather when some complaint arises, the matter must be put before the conference and settled while the meeting is still in session”; and Fourth, “If [the Superintendent] notices something pertaining to the office or life in a brother, [he] must speak about it either privately or before the whole conference, gently and with brotherly seriousness, and the brethren must not treat this with disdain or anger but accept it in humility. Likewise, if a brother finds some fault or failure in [the Superintendent] or the conduct of his office or life, he shall treat him in the same way.” (Adapted from *The Second Martin*, p. 134–5)

Therefore, we pledge ourselves to the work together in the diocese as follows:

1) We shall stand together to uphold those principles which Dr. Chemnitz affirmed regarding the Superintendency.

2) We will welcome the Superintendent to conduct Visitations on a regular basis—preferably annually. During such Visitations, we will give sufficient opportunity for the Superintendent to examine our doctrine and practice, and for conversation between the Superintendent and the congregations we serve. We will encourage the congregations entrusted to our care to defray the Superintendent’s expenses connected with such Visitations.

3) We acknowledge that although each pastor does possess “by divine law” (Treatise 65) the authority to ordain ministers in his own parish, for the sake of good order we will not henceforth so ordain without the agreement of the Superintendent, and we shall endeavor to express our unity by having the Superintendent perform all ordinations and installations within the diocese, except as he shall otherwise authorize.

4) Admission to membership in the diocese:

a) The Superintendent shall have the responsibility of examining the doctrine and life of all ordained applicants for membership in the diocese.

b) Upon completion of such examination, the Superintendent shall decline such candidates as are unsuitable on the basis of doctrine or life (e.g., were previously removed from the ministry for sufficient cause).

c) The Superintendent shall forward to the diocese the name and pertinent information regarding suitable candidates. (Such notification may occur by e-mail or by surface mail.) If the Superintendent does not receive any written objections to the candidate within thirty (30) days of such notification of the diocese, the candidate shall be admitted to the diocese.

d) If a member of the diocese objects in writing to the application of a candidate, the member shall state the grounds for his objection in terms of the candidate's doctrine and/or life. Such objections shall be investigated by the Superintendent and two (2) other pastors or ordained deacons (whose names shall be drawn by lot). If the objections are found to be lacking merit, the candidate shall be admitted to the diocese. If the objections are substantiated, and found substantial enough to preclude the candidate's service in the diocese, the candidate shall be declined membership.

e) Members of the diocese shall not hold membership in any other diocese or "synod."

5) Discipline of members of the diocese:

a) We acknowledge that the Superintendent has the responsibility of oversight among us, and has the responsibility to investigate charges of false doctrine or immoral life where such doctrine and life are either public or manifest, or when they are affirmed by the testimony of two or more witnesses.

b) We acknowledge that upon such investigation, if the Superintendent determines that the charges are accurate, he will admonish the member of the diocese to repent and amend.

c) We acknowledge that the Superintendent has the authority to suspend the membership of any pastor or ordained deacon of the diocese if the charges are substantiated, and that he will give a report to the diocese of any such suspension. If the suspended pastor does not challenge his suspension in writing to the Superintendent within thirty (30) days of written notification, he shall be considered removed from the diocese.

d) If the suspended member appeals his suspension, a review panel shall be formed consisting of the Superintendent and two (2) other pastors or ordained deacons of the diocese, whose names shall be drawn by lot, and shall not include the suspended member. If, upon review of the charges, the review panel determines that the substance of the charges is accurate, and that removal of the suspended member from the membership of the diocese is warranted, the suspended member shall be removed from the diocese.

e) We acknowledge and affirm that such a removal from the diocese does not remove a man from his call; congregations shall be encouraged to follow their congregational constitutions and bylaws in all such matters.

6) We acknowledged that the office of Superintendent is a called office, and a 'grade' within the one office of the holy ministry. As such, there is no 'term' of office; rather, a Superintendent shall serve until such time as he resigns, is called to glory, or is removed from office for cause, on the basis of false doctrine or immoral life.

7) In the event that a charge of false doctrine or immoral life is brought against the Superintendent on the basis of the testimony of two or more members of the diocese, the matter shall be examined by a panel of three pastors of the diocese, whose names shall be drawn by lot. In the event that the panel substantiates the charges, and determines that they are sufficient for removal from office, the Superintendent shall be removed from office, but not from membership

in the diocese. Rather, such action will follow the procedure set forth in 5), after election of a new Superintendent.

8) It is the responsibility of the Superintendent to serve as chairman of all meetings or synods of the diocese. We pledge ourselves to the intention to meet in synod annually, at a time and location determined by the Superintendent, who shall make such determinations after seeking the advice and counsel of the pastors of the diocese.

9) We request that the Superintendent would offer counsel to us—individually and as a diocese—so that we would work toward a greater unity of practice. Such counsel shall be considered and welcomed as fraternal encouragement.

We affirm that these points set forth above may be amended, or added to, by agreement of the Superintendent and two-thirds of the members of the diocese during a regular synod of the diocese.

We acknowledge that on 6 June A.D. 2006, we unanimously called the Rev. James D. Heiser to the office of Superintendent of the *Evangelical Lutheran Diocese of North America*, and that he accepted this call on 7 June.