

May 16, 2022

Dear Bishop Heiser and brothers in Christ in the ELDoNA:

Ten years ago, when I was suspended from the WELS, I was, for a brief time, an independent pastor, and you know the challenges that come with being alone in the ministry (not that we are ever truly alone), the main challenge being perhaps the tendency of each of us to stray from pure doctrine and salutary practice when there is no brother in the ministry to caution or encourage us. I prayed that the Lord would guide me to a group of pastors with whom doctrinal fellowship could be recognized, who would help one another remain faithful in doctrine, practice, and Christian living.

Nine years ago, Bishop Heiser and those of you who were in the diocese at that time, and one who has now fallen asleep, served as the Lord's instruments of comfort to me and my congregation in Las Cruces after the turmoil we faced leaving the WELS. I will not say that you supported me. I will say that, together with me, you supported the good confession about Christ and His vital teaching of justification by faith alone, which required a repudiation of the false teaching of Objective Justification as it has been defined and taught by the synods. I will never be able to express the joy that filled my heart when I heard the Theses on Justification read for the first time. I was so thankful to God for giving me a group of Christian brothers who not only believed as I did, but who were willing to confess the doctrine of Christ openly and receive me into their fellowship, in spite of the reproach you suffered from the synods because of it. I still give thanks for it.

The idea of an ecclesiastical bishop, as I understood it and as I found it described in the ELDoNA Charter and related Theses, seemed like a fine way to ensure that all the member pastors taught and lived well, and would continue to teach and live well, in accordance with the Scriptures and the Lutheran Confessions. We cannot all be looking into one another's practice and life on a regular basis, nor, I dare say, would any of us welcome such a constant intrusion coming from every pastor in our fellowship, so having one man appointed for this task seemed good to me. I happily applied for membership in the diocese and have enjoyed interacting and working with you all over these past nine years.

Over the past year, it has become increasingly clear to me that the office of bishop, as understood by the bishop and others in the ELDoNA, includes more than the Scriptures or Confessions include or than the founding documents of the diocese spell out. Having a "Church Order" handed to us and "authorized" by the bishop in 2021 took me off guard. Certain statements in the Church Order troubled me, such as, "No variation from the text of the creeds set forth in the Service Book...may be used in the Divine Service" (*Missal*, p.40), "It should also be noted that the selection of the Office Hymn is to be strictly adhered to as appointed for use in this diocese" (p.41), and "Under no circumstances may any unauthorized form of general prayer be substituted for those appointed for use in the diocese" (p.42). Exchanges with the bishop over the past year also pointed in this direction.

But this understanding was solidified in the Episcopal Address and ensuing discussion that took place at the 2022 Synod. I am very disappointed to discover that it is, in fact, the prevailing understanding and expectation within the diocese that the bishop's responsibility of "oversight" and "administration" "encompasses all that has been associated with this [episcopal] polity in the historic sense," as stated in the Bishop's Episcopal Address, including "obliging the parsons and deacons of their superintendency to conform in all things according to our 'Church Order.'"

This came as a surprise to me, because episcopal polity in the historic sense is not what we have ever known in the ELDoNA. The Evangelical Episcopacy, as, for example, in the superintendency of Martin Chemnitz (explained in his *Church Order of 1569*), was a human arrangement set up for that time and place in history in response to the recent finding that “a large portion of [the pastors and ministers of the church in that principality] were not real pastors, but rather unlearned and unfit mercenaries, acting as hired hands” (p.4). The Superintendency described by Chemnitz was made up of many specific-superintendents, five general-superintendents, and a consistory made up of superintendents, theologians, and political appointees, all of whom were answerable to Duke Julius. (Indeed, it was the duke who authorized and mandated the use of Chemnitz’ Church Order within his territory, not the superintendent.) We have never had anything resembling this situation. For one thing, our ministers have not been found to be “unlearned and unfit mercenaries,” necessitating strict enforcement of a Church Order. As for the individual superintendents of the 16th century, they had far less authority than the ELDoNA bishop is claiming for himself, as important decisions were made within the consistory and not by any individual superintendent.

Furthermore, a bishop/superintendent in the historic sense had jurisdiction within the congregations themselves, including the examining and confirming of confirmands and the excommunication of parishioners who were not members of his own congregation. Indeed, the local pastor was allowed to excommunicate no one without the approval of the superintendent and the consistory. For that matter, the local pastor wasn’t even supposed to commune his own members unless he had followed the procedure prescribed by the Church Order of obligating the parishioner to submit to private examination every time he or she wished to receive the Lord’s Supper—something that clearly went beyond the Scriptures. In their attempt to keep “good order,” I believe that princes and bishops/superintendents in the historic sense often went too far.

Thankfully, however, unlike historic Lutheran bishops/superintendents, the ELDoNA bishop’s jurisdiction has always extended only to the pastors who are members of the diocese. It has never extended to the flocks over which the Holy Spirit has made us all overseers (or “bishops”).

Therefore, when seeking to understand what the ELDoNA bishop’s responsibilities were, I turned, not to history, but to the diocesan Charter and related Theses, where no mention is made of “obliging the parsons and deacons of their superintendency to conform in all things according to our ‘Church Order.’” The Charter of the Diocese clearly delineates how we pledge to work together within the diocese. It was to this that I agreed when I joined the diocese. I urge you all to reread what is actually written there, as opposed to what some claim to be the unwritten intention. “Therefore, we pledge ourselves to work together in the diocese *as follows*,” with nine points following, none of which includes agreeing that the bishop may determine all matters of adiaphora for us (in our worship or otherwise) or that we bind ourselves to follow his determinations in matters of adiaphora or church ceremonies within our own congregations.

The first of the nine points is an agreement to “uphold those principles which Dr. Chemnitz affirmed regarding the Superintendency.” “Those principles” do not include everything Chemnitz wrote in his Church Order. The statement is followed explicitly by the four principles from Chemnitz which we agree to uphold. None of these four principles grants the bishop the authority to decide on all matters of adiaphora (or any matters of adiaphora, for that matter) within our congregations. When Chemnitz states that “each one does not build up himself or act as lord in his congregation and do what he pleases...” this does not imply that the bishop may then act as lord in our congregations and do what he pleases. It implies that we will each be careful not to act in ways that cause offense within our own congregations or

among our sister congregations, but will take one another into consideration in love and not enact practices that are likely to cause offense.

I agree with the Malone Theses when they state that “we seek to achieve a high degree of uniformity in the liturgical expression of our theological agreement.” I never understood this, however, to mean *absolute* uniformity or the imposition of a single service which must be strictly followed as published. I agree with the Malone Theses when they state that “we commit ourselves to endeavor over time, by common consensus, to minimize local deviations from common practice.” I never understood “common consensus,” however, to mean the necessary consensus with whatever the bishop determines to be best.

Another of Chemnitz’ stated principles in the Charter is that “when some complaint arises, the matter must be put before the conference and settled while the meeting is still in session.” This is what I attempted to do during the Tuesday morning meeting at the 2022 Synod. I was later reprimanded (not by the bishop, but by his deacon) for bringing up the matter during the meeting, as if that were not the proper time or place to bring up such a complaint. Again, I urge you all to read what is actually written in the Charter.

But if the Episcopal Address describes the actual polity of the ELDoNA going forward, then the Charter is flawed and should be corrected and expanded so that it says what it means. To expect pastors and congregations to understand from the Charter, as worded, that the ELDoNA bishop’s responsibilities “encompass all that has been associated with this [episcopal] polity in the historic sense” is both unreasonable and dangerous, because much has been associated with “episcopal polity in the historic sense” that is neither Scriptural nor beneficial to God’s Holy Church.

When the bishop seeks to “authorize” Bible translations, orders of service, specific prayers, hymns, lectionaries, dialects of English, etc., for use within our congregations, branding some as “licit” and others as “illicit,” he is implying that the authority for us to worship as we do in our congregations comes from him. I do not find this to be a Scriptural principle. My understanding is that Christ has called me to shepherd the flock which He entrusted to my care through their divine call, which entails working with them to establish and enact forms of worship which are in keeping with sound Christian (i.e., Lutheran) practice. While I have always welcomed the counsel and advice of the bishop in these matters (and have usually followed his advice out of love), I do not believe he has a divine call to dictate or to mandate worship forms for my congregation. I did not call him to do this by the act of joining the diocese. My congregation also does not acknowledge having called him to do this. Nor was there a magistrate who appointed him to oversee my congregation. I asked him to be my overseer when I joined the diocese, to look over my life and my ministry and to correct me on the basis of Scripture if I strayed from what God would have me do as a pastor. That is all.

To state the matter simply, I wish to pursue unity in the Holy Scriptures, as we have understood them in the Lutheran Church, and to be ruled and restrained by the Scriptures alone, in conformity with the Lutheran Confessions and in love toward my neighbor. And I am willing and eager for a brother in Christ to apply those Scriptures to me if I err, whether he holds the title of bishop, or pastor, or simply Christian. This is the kind of unity I seek and the kind of unity I thought we already had in the diocese for the past nine years.

Others, however, seem to wish to pursue unity in the doctrines and traditions of men, seeking unity in the utter sameness of a single manmade Church Order imposed across an entire continent, which goes far beyond the Scriptural requirement of things being done “decently and in good order.” They seek unity in

being ruled and restrained by one who is not only a bishop who holds the power of the Keys, as all ministers do according to the Gospel, but who also holds power delegated to him by human right. Indeed, they are willing to be disciplined by the bishop for things that are neither contrary to Scripture nor causes of offense to members of Christ's flock. I cannot abide by such an arrangement. It is like building on the foundation of Christ with wood, hay, and straw.

As far as I can tell, this is a fundamental difference of understanding among us that prohibits me from continuing as a member of this diocese. Therefore, I hereby resign from membership in the Evangelical Lutheran Diocese of North America. My congregation also met on Sunday, May 15th, in formal assembly and approved the following statement of their own composition to pass on to the diocese, together with their grave disappointment in the direction the diocese has taken:

We the members of Emmanuel Evangelical Lutheran Church support our pastor in his decision to leave the ELDoNA. As the Lord emphasizes humility for all of his people, He makes this a priority for his shepherds. This is one of the last lessons he taught his disciples by washing their feet on Maundy Thursday. The bishop's "episcopal Address to the 2022 Synod of the ELDoNA" is inconsistent with Christ's example. We recognize that it is our pastor's decision to be made, but believe that it is appropriate and useful to support him and declare unity with respect to this matter. With a sad heart, we unanimously agree that he should leave the ELDoNA.

I will continue to pray for you all and ask for God's blessings on your families and on your ministry. To be clear, I am not declaring myself to be out of fellowship with you, as I consider you neither false teachers nor enemies of Christ nor my personal enemies, but as my friends and brothers in Christ who are going down a dangerous path on which I cannot follow. It is not safe to build on the foundation of Christ with wood, hay, and straw, which includes, in my opinion, yielding your God-given authority in your congregations to one who has no call to your congregations, and submitting to being disciplined in matters that God has left free.

...

May the merciful Lord guard and defend you from the dangers associated with this sort of polity, as it is being defined and as it is being conducted, and may He guard me and those with me as well, that we may all build on the foundation of Jesus Christ with gold, silver, and precious stones, and not with wood, hay, and straw. Whether you think of me as such or not, I remain your friend and brother in Christ.

A servant of Christ Jesus,

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