

## Ecclesiastical Supervision

### 1 Resolution 2-01

### 2 To Overrule LCMS Board of Directors' May 2017 Resolution 12-14, re Bylaw 7.1.2

3 WHEREAS, The 2016 Convention of The Lutheran Church—Missouri Synod, in its Resolution  
4 12-14 [*“Regarding the Right of an Accuser to Appeal When a District President or President of*  
5 *the Synod Fails to Act or Declines to Suspend”*] and according to Bylaw 7.1.2, deferred its  
6 rightful and legislative authority regarding the development of ecclesiastical supervision bylaws  
7 with respect to and inclusion of the President of the Synod, the decision given to Synod’s Board  
8 of Directors; and

9 WHEREAS, Resolution 12-14, in accordance with Bylaw 7.1.2, set forth a specific path and  
10 timeline for consideration, negotiation and counsel to be conducted with the Council of  
11 Presidents, with any proposed amendments to the bylaws to be reviewed by the Commission on  
12 Constitutional Matters and the Commission on Handbook; and

13 WHEREAS, Resolution 12-14 states that the Commission on Constitutional Matters in Op. 16-  
14 2791 “has indicated portions of the expulsion processes of Synod’s Bylaws are presently in an  
15 unconstitutional state with respect to Const. Art. XI B 1–3 and Const. Art. XIII 2”; and

16 WHEREAS, The Board of Directors, acting under Bylaw 7.1.2 and at the express direction of the  
17 2016 Resolution 12-14, in May of 2017 adopted changes to the bylaws of the Synod regarding  
18 ecclesiastical supervision; and

19 WHEREAS, The Constitution of Synod defines clearly, precisely, and fully the supervisory role  
20 of the President of Synod, wherein the President of Synod has “the supervision regarding the  
21 doctrine and the administration of a. All officers of the Synod; b. All such as are employed by the  
22 Synod; c. The individual district of the Synod; d. All district presidents” (XI.B.1); and

23 WHEREAS, The President of Synod, as ecclesiastical supervisor, is limited in the exercise of said  
24 power, assuming “only such rights as have been expressly conferred” (XI A.1), which are  
25 expressly conferred to be “the power to advise, admonish, and reprove...conscientiously use all  
26 means at his command to promote and maintain unity of doctrine and practice in all the districts  
27 of the Synod” (XI.B.3); and

28 WHEREAS, Synod’s Constitution expressly confers upon the District Presidents the duty to  
29 “*exercise supervision over*” their district’s ministers and to “visit and...hold investigations in the  
30 congregations” (XII.7), including the District Presidents being empowered “to suspend from  
31 membership” their district’s ministers (XII.8); and

32 WHEREAS, Prior to the year 2016 and CCM Op. 16-2791, numerous CCM opinions (to wit Ag.  
33 1970, Op.15-2750, 13-2669, 10-2581, 03-2354, and 03-2338, A and C) interpreted the President  
34 of Synod’s scope of ecclesiastical supervision do not include supervision over individual workers  
35 and congregations expressed in Article XII.7,8; therefore, be it

36 *Resolved*, That Synod in convention, as the ultimate legislative body of Synod<sup>1</sup> considers the

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<sup>1</sup>Bylaw 1.4.1: “*The delegate convention of the Synod is the legislative assembly that ultimately legislates policy, program, and financial direction to carry on the Synod’s work on behalf of and in support of the member congregations. It reserves to itself the right to give direction to all officers and agencies of the Synod. Consequently, all officers and agencies, unless otherwise specified in the Bylaws, shall be accountable to*

37 following to be steps to the resolution of this matter; and be it further

38 *Resolved*, That changes, subsequent to 2016 Convention Resolution 12-14, made under Bylaw  
39 2.14 “Expulsion of Congregations or Individuals from Membership in the Synod,” Bylaw 2.15  
40 “Expulsion of a District President or Officer from Membership in the Synod”, Bylaw 2.16  
41 “Expulsion of a President of Synod from Membership in the Synod”, and Bylaw 2.17 “Expulsion  
42 of Individuals from Membership in the Synod as a Result of Sexual Misconduct or Criminal  
43 Behavior”, as a result of 2016 Convention Resolution 12-14, as adopted by the Board of Directors  
44 (May 2017) be overruled and of no effect; and be it further

45 *Resolved*, That Bylaws 2.14, 2.15, 2.16 and 2.17 be returned to and replaced by the same  
46 corresponding Bylaws as set forth in the 2013 Synod Handbook; and be it further

47 *Resolved*, That a Blue Ribbon Task Force of seven members, with four members appointed by the  
48 35 District Presidents, three of whom shall be District Presidents, and three members appointed  
49 by the President of Synod, be authorized and formed to conduct a thorough study of the  
50 ecclesiastical supervision matter, including Articles III, VI, VII (studies of Articles VI and VII  
51 were previously resolved by the 2010 Convention), XI, XII, and XIII, and make  
52 recommendations to the 2022 Synod Convention, including any necessary revisions of  
53 constitutional provisions, with the purpose of evangelically resolving the current difficulty and  
54 division among us; and be it further

55 *Resolved*, That all relevant CCM opinions such as 16-2791, 16-2793, 16-2794, 16-2797, 17-2822,  
56 17-2828 and 17-2836 be placed in abeyance until the 2022 Convention and any necessary action  
57 at the 2022 convention; and be it further

58 *Resolved*, That Synod in convention affirm the powers provided to the Synod President “to  
59 advise, admonish and reprove...conscientiously use all means at his command to promote and  
60 maintain unity of doctrine and practice in all the districts of the Synod” do not include direct  
61 supervisory responsibilities of individual members of Synod, since such individuals are under the  
62 ecclesiastical supervision of District Presidents; and be it finally

63 *Resolved*, That the convention pray for peace and harmony in the Synod as it moves forward in  
64 mission and ministry.

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*the Synod for all their actions, and any concerns regarding the decisions of such officers or agencies may be brought to the attention of the Synod in convention for appropriate action. This provision does not apply to specific member appeals to the Concordia Plans, which has its own appeal process for such cases.”*

**1 Resolution 2-02**  
**2 To Direct the President of Synod to Assure the Provisions of Bylaw 3.9.2.2 (c) Are**  
**3 Followed**

4 WHEREAS, Overture 2-04 (To Overrule CCM Opinion 14-2724)<sup>2</sup> was not brought forward for

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<sup>2</sup> TO OVERRULE CCM OPINION 14-2724

WHEREAS, the Word of God (Acts 13) clearly reveals that in the first century of the New Testament, a local congregation of believers in the Lord Jesus, assembled in Antioch, after much prayer and under the guidance of the Holy Spirit, freely consecrated and sent missionaries, notably Barnabas and Saul, into mission fields; and

WHEREAS, Article III. 2 of the Constitution of The Lutheran Church—Missouri Synod identifies an objective of the Synod as to “Strengthen congregations and their members in giving bold witness by word and deed to the love and work of God, the Father, Son, and Holy Spirit, and extend that Gospel witness into all the world;” and

WHEREAS, Article VII of the Constitution of The Lutheran Church—Missouri Synod states, “In relation to its members, the Synod is not an ecclesiastical government exercising legislative or coercive powers, and with respect to the individual congregation’s right of self-government it is but an advisory body”; and

WHEREAS, Article XIV of the Constitution states, “The Synod in convention may adopt bylaws that are consistent with and do not contradict the Constitution of the Synod, which controls and supersedes such bylaws and all other rules and regulations of the Synod”; and

WHEREAS, 2010 Synod Convention Res. 8-32B encourages the Synod to study Article VII of the Constitution, including study of “Congregations and Synod, Background Material on the Advisory Nature of the LCMS” along with opinions of the Commission on Constitutional Matters related to this topic (including CCM Opinion 09-2573 listed in a “Whereas” paragraph in Resolution 8-32B); and

WHEREAS, 1983 Synod Convention Res. 5-10A in a “Resolved” clause states that The Lutheran Church—Missouri Synod reaffirms that its synodical polity is essentially and principally congregational in nature; and

WHEREAS, CCM Opinion 09-2573 states in part that “. . . there is a common understanding that a congregation exercises its self-government . . . in carrying out . . . its own ministry programs and financial affairs . . .”; and

WHEREAS, Synod Bylaw 3.8.3 deals only with who has authority to send ministers of religion and other workers into Synod foreign mission fields, and prior bylaws have been careful not to restrict congregational activity specifically relating to whom congregations could send funds overseas, and nothing in the current bylaws restrict or could restrict the right of member congregations to (a) fund ministries in foreign countries, or (b) send/fund congregation members for service with organizations seeking to share the Gospel; and

WHEREAS, 1983 Synod Convention Res. 5-37 amending the bylaws only dealt with who on behalf of Synod as a whole could send missionaries at the expense of the Synod, and where the restriction applied, it being a sending bylaw only, clearly not applicable to congregations in any event; and

WHEREAS, CCM Opinion 14-2724 referring to 2013 Synod Convention Res. 1-08, “To Work Together in Mission,” called for a two-fold response: First, “Resolved, That the Synod, by the next convention, develop and provide a mission best practices policy document for districts and congregations engaged in mission projects to assist them to better carry out their mission and their life together”, indicating that districts and congregations have and are recognized to have mission work and practices of their own, and because they have their own mission work and practices, the Synod should assist and support those efforts by developing a best-practices policy; and second, “that these best practices include encouragement to districts and congregations to communicate their international mission activities to the Synod’s Director of Church Relations and Offices of National and International Mission for the purposes of healthy coordination and stewardship” (underlined portions indicate emphasis added), indicating that districts and congregations can have their own mission activities and when they do they are encouraged to communicate these activities to the Synod for coordination and good stewardship; and

WHEREAS, CCM Opinion 14-2724 states in part, “Congregations may not send funds to mission societies and non-Synod entities for work in foreign areas without taking into consideration policies developed and determined for this purpose by the Board of International Mission as the only sending agency;” and

WHEREAS, CCM Opinion 14-2724 incorrectly restricts the mission outreach of congregations and others to give bold witness by word and deed to the love and work of God the Father, Son, and Holy Spirit, and extend that Gospel witness into all the world; therefore be it

*Resolved*, That the congregations of the Texas District and of The Lutheran Church—Missouri Synod be encouraged, with much prayer and under the guidance of the Holy Spirit, to send missionaries to foreign areas; and be it further

*Resolved*, That the Texas District affirms and encourages congregations, auxiliaries, recognized service organizations, districts, and individual members of the Synod, in their efforts to give bold witness by word and deed, to the love and work of God the Father, Son and Holy Spirit, and extend that Gospel witness to all the world; and be it further

5 debate at the 2016 LCMS National Convention; and

6 WHEREAS, Overture 2-04 was submitted by four LCMS districts, three district boards of  
7 directors, one circuit, and seventeen LCMS congregations; and

8 WHEREAS, Two other overtures (2-07, 2-09) were submitted to the 2016 LCMS Convention  
9 that also requested that CCM Opinion 14-2724 also be overruled; and

10 WHEREAS, LCMS Bylaw 3.9.2.2 (c) regarding the CCM says, in part: “An opinion rendered by  
11 the commission shall be binding on the question decided unless and until it is overruled by a  
12 convention of the Synod. Overtures to a convention that seek to overrule an opinion of the  
13 commission shall support the proposed action with substantive rationale from the Constitution,  
14 Bylaws, and resolutions of the Synod. All such overtures shall be considered by the floor  
15 committee to which they have been assigned and shall be included in a specific report to the  
16 convention with recommendations for appropriate action;” and

17 WHEREAS, No such report was given to the 2016 convention of the Synod; and

18 WHEREAS, No disposition of these overtures whatsoever is recorded in the 2016 Synod  
19 convention Proceedings; therefore be it

20 *Resolved*, That Overture 2-04 as found in the LCMS 2016 National Convention Workbook be  
21 submitted as an overture to the 2019 Synod convention by the adoption of this, current resolution;  
22 and be it further

23 *Resolved*, That the President of Synod be directed to assure that the provisions of Bylaw  
24 3.9.2.2(c) are followed with respect to this resolution and any other resolution that becomes an  
25 overture to the Synod asking for a CCM opinion to be overruled; and be it finally

26 *Resolved*, That also in our agreements in how we will work together in the LCMS, things “be  
27 done in a fitting and orderly way” (I Corinthians 14:40).

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*Resolved*, That nothing in the bylaws of Synod should ever be interpreted to limit efforts by congregations, auxiliaries, recognized service organizations, districts, and individual members of the Synod, to give bold witness by word and deed to the love and work of God the Father, Son and Holy Spirit, and extend that Gospel witness to all the world, but only be interpreted as requesting information which might allow Synod to support (and to assist in connecting potential support for) congregations and individual members, to assist in connecting potential mission partners, and to provide best practices information which could assist the efforts; and be it finally

*Resolved*, That the Texas District in convention memorialize the Synod in convention to adopt this resolution and to overrule CCM Opinion 14-2724, to be thereby declared null and void and of no effect.