**To Overrule CCM Opinion 14-2724**

Whereas, The 2016 Convention of The Lutheran Church – Missouri Synod, in its Resolution 12-14 [“Regarding the Right of an Accuser to Appeal When a District President or President of the Synod Fails to Act or Declines to Suspend”] and according to Bylaw 7.1.2, deferred its rightful legislative authority and directed the Board of Directors of the Synod to draft bylaws to resolve a situation where, it claimed, “portions of the expulsion processes of the Synod’s Bylaws are presently in an unconstitutional state with respect to Constitution Art. XI B 1-3 and Constitution Art. XIII 2”; and

Whereas, Four LCMS districts, three district boards of directors, one circuit, and seventeen LCMS congregations adopted this resolution:

*“****SUBJECT: 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*

*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.”;*

and

Whereas, The above resolution appears in the 2016 LCMS Convention Workbook as Overture 2-04, thereby affirming its material accuracy; and

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

Whereas, LCMS Bylaw 3.9.2.2 (c) regarding the CCM says, in part:

*“An opinion rendered by the commission shall be binding on the question decided unless and until it is overruled by a convention of the Synod. Overtures to a convention that seek to overrule an opinion of the commission shall support the proposed action with substantive rationale from the Constitution, Bylaws, and resolutions of the Synod.* ***All such overtures shall be considered by the floor committee to which they have been assigned and shall be included in a specific report to the convention with recommendations for appropriate action.****” (Emphasis added);*

and

Whereas, No such report was given to the 2016 convention of the Synod, as a report and a resolution (including the resolution identified as Resolution 2-06A in Today’s Business p. 348-350 that was never brought to the convention floor) are the not the same thing according to Bylaw 3.1.6.1 and Bylaw 3.1.6.2, which clearly differentiate between “Reports” and “Overtures,” defining “Reports,” in part, as “statements of work performed or contemplated by those charged with conducting the business of the Synod” and “Overtures,” in part, as “recommendations in the form of proposed resolutions requesting action on the part of the convention” (cf. Bylaw 3.9.2.2.1, which also distinguishes between reports and overtures); and

Whereas, No disposition of these overtures whatsoever is recorded in the 2016 Synod convention *Proceedings*; and

Whereas, The document “LCMS Best Practices in Short-Term Mission” requests congregations to receive approval from the Synod to be involved in short-term mission trips by referencing the Bylaws, which has been seen, correctly or incorrectly, as restricting congregations in “giving bold witness by word and deed” when and where they see fit (https://wmltblog.org/2015/01/lcms-best-practices-in-short-term-mission/, accessed 3/9/2018); therefore be it

*Resolved*, That the resolution quoted above be submitted as an overture to the 2019 Synod convention by the adoption of this current resolution; and be it further

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

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