

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

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 and legislative authority regarding the development of ecclesiastical supervision bylaws with respect to and inclusion of the President of the Synod, the decision given to Synod’s Board of Directors; and

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

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

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

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

WHEREAS, The President of Synod, as ecclesiastical supervisor, is limited in the exercise of said power, assuming *“only such rights as have been expressly conferred”* (XI A.1) [*“The officers of the Synod must assume only such rights as have been expressly conferred upon them by the Synod, and in everything pertaining to their rights and the performance of their duties, they are responsible to the Synod.”*], which are expressly conferred to be *“the power to advise, admonish, and reprove....conscientiously use all means at his command to promote and maintain unity of doctrine and practice in all the districts of the Synod”* (XI.B.3); and

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

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

RESOLVED, That Synod in convention, as the ultimate legislative body of Synod [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 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.”] considers the following to be steps to the resolution of this matter; and be it further

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

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

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

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

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

RESOLVED, That the convention pray for peace and harmony in the Synod as it moves forward in mission and ministry.