

1 **To Amend LCMS Constitution Article XI**

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  
5 President of the Synod Fails to Act or Declines to Suspend”] and according to  
6 Bylaw 7.1.2, deferred its rightful legislative authority and directed the Board of  
7 Directors of the Synod to draft bylaws to resolve a situation where, it claimed,  
8 “portions of the expulsion processes of the Synod’s Bylaws are presently in an  
9 unconstitutional state with respect to Constitution Art. XI B 1-3 and Constitution  
10 Art. XIII 2”; and

11 WHEREAS, Resolution 12-14, resolves “That a consultation process shall be designed by  
12 mutual agreement of the Chairman of the Council of Presidents and the  
13 President of the Synod, by which the Council of Presidents shall have the  
14 opportunity to offer to the Secretary of the Synod input as to proposed  
15 mechanisms to implement expulsion processes consistent with and not  
16 contradicting the Constitution of the Synod”; and

17 WHEREAS, Resolution 12-14 states that the Commission on Constitutional Matters in Op. 16-  
18 2791 “has indicated portions of the expulsion processes of Synod’s Bylaws are  
19 presently in an unconstitutional state with respect to Const. Art. XI B 1-3 and  
20 Const. Art. XIII 2”, such bylaws having been adopted by the Synod in Convention  
21 in 2004, acting as the “principal legislative assembly” (Bylaw 3.1.1) of the Synod;  
22 and

23 WHEREAS, In 2004, those Bylaws were regarded as constitutional by the Commission on  
24 Constitutional Matters prior to the convention, as they fulfilled their function to  
25 “examine all reports, overtures, and resolutions of the Synod asking for  
26 amendments to the Constitution and Bylaws of the Synod or which in any  
27 manner affect the Constitution and Bylaws, to determine their agreement in  
28 content and language with the Constitution and Bylaws of the Synod” (Bylaw  
29 3.9.2.2.1) and to “be represented at the meetings of national convention floor  
30 committees considering constitution and bylaw matters to ensure that they are in  
31 accord with the Constitution, Bylaws, and resolutions of the Synod” (Bylaw  
32 3.9.2.2.2); and

33 WHEREAS, At no time since the adoption of the Bylaw provisions in 2004 until CCM 16-2791  
34 had a Commission opined that these expulsion process bylaws were in an  
35 unconstitutional state; and

36 WHEREAS, The 2004 Commission on Constitutional Matters and the 2016 Commission on  
37 Constitutional Matters clearly provided different opinions on the constitutional  
38 state of the Synod’s bylaws with respect to Constitution Art XI B 1-3 and Art XIII 2  
39 prior to the 2016 Synod convention; and

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

43 WHEREAS, The Secretary of the Synod, on November 3, 2017, published an article on the  
44 Synod’s website, recognizing the need to “relieve any confusion regarding these  
45 changes”; and

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

51 WHEREAS, The President of Synod, as ecclesiastical supervisor, may assume “only such  
52 rights as have been expressly conferred” (XI A.1 [“The officers of the Synod must  
53 assume only such rights as have been expressly conferred upon them by the  
54 Synod, and in everything pertaining to their rights and the performance of their  
55 duties, they are responsible to the Synod.”]), and

56 WHEREAS, The duties are expressly conferred to be “the power to advise, admonish, and  
57 reprove . . . conscientiously use all means at his command to promote and  
58 maintain unity of doctrine and practice in all the districts of the Synod” (XI.B.3);  
59 and

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

64 WHEREAS, Prior to the year 2016 and CCM Op. 16-2791, numerous CCM opinions [to wit  
65 Ag. 1970, Op. 15-2750, 13-2669, 10-2581, 03-2354, and 03-2338, A and C]  
66 interpreted the President of Synod’s scope of ecclesiastical supervision not to  
67 include supervision over a district’s individual members and congregations as  
68 expressed in Article XII.7, 8; and

69 WHEREAS, C. F. W. Walther, the first President of The Lutheran Church—Missouri Synod  
70 said that “We have merely the power to advise one another, that we have only  
71 the power of the Word and of convincing” (1848 Presidential address to the  
72 Synod) [See Article XI B 4 below in the third resolve]; and

73 WHEREAS, The Bylaws of the Synod define ecclesiastical supervision as including  
74 “...visitation, evangelical encouragement and support, care, protection, counsel,  
75 advice, admonition, and when necessary, appropriate disciplinary measures...”  
76 (LCMS Bylaw 1.2.1 (i)); therefore be it

77 *Resolved,* That it is this assembly's formal declaration that such supervision should take  
78 place in relationship between the supervisor and the supervised, as close to the  
79 supervised as possible, and not carried out by a centralized authority; and be it  
80 further

81 *Resolved,* That it is this assembly's formal declaration that this was and is the intent of the  
82 Constitution of the Synod; and be it further

83 *Resolved,* That, for the sake of clarification, **this body** memorializes the Synod in  
84 Convention that Article XI of the Constitution of The Lutheran Church—Missouri  
85 Synod be amended as follows:

## 86 **Article XI Rights and Duties of Officers**

### 87 **A. In General**

- 88 1. The officers of the Synod must assume only such rights as have been  
89 expressly conferred upon them by the Synod, and in everything pertaining  
90 to their rights and the performance of their duties they are responsible to  
91 the Synod.
- 92 2. The Synod at all times has the right to call its officers to account and, if  
93 circumstances require it, to remove them from office in accordance with  
94 Christian procedure.
- 95 3. The Synod reserves the right to abolish any office it has established.
- 96 4. Conventions of the Synod and of the districts have the right, in  
97 extraordinary cases, to elect a chairman other than the regular presiding  
98 officer.

### 99 **B. Duties of the President**

- 100 1. The President has the ecclesiastical supervision as limited in XI B 2  
101 regarding the doctrine and the administration of
  - 102 a. All officers of the Corporate Synod;
  - 103 b. All such individual members of the Synod as are employed by the  
104 Corporate Synod;
  - 105 c. The individual assembled corporate districts of the Synod in  
106 convention and through the ecclesiastical supervision of the  
107 district president when not in convention;
  - 108 d. All district presidents.
- 109 2. The President shall have no ecclesiastical supervision over individual  
110 and congregational members of the Synod except as listed in XI B 1 a -  
111 d and shall have the power to exercise disciplinary, suspension, and  
112 expulsion provisions only of district presidents (Article XI B 1 d).
- 113 3. The President has the administrative supervision of all such as are  
114 employed by Corporate Synod.
- 115 2.4. It is the President's duty to see to it that all the aforementioned act in  
116 accordance with the Synod's Constitution, to admonish all who in any

117 way depart from it, and, if such admonition is not heeded, to report such  
118 cases to the Synod.

119 ~~3.5.~~ The President has and always shall have and be limited to the power to  
120 advise, admonish, and reprove. He shall conscientiously use all these  
121 means ~~at his command~~ to promote and maintain unity of doctrine and  
122 practice in ~~all the districts of~~ the Synod. Such means and authority shall  
123 be limited to those rights and duties specifically laid out in this article (XI  
124 A, B).

125 4.6. The President shall see to it that the resolutions of the Synod are  
126 carried out.

127 5.7. When the Synod meets in convention the President shall give a report  
128 of his administration. He shall conduct the sessions of the convention so  
129 that all things are done in a Christian manner and in accord with the  
130 Constitution and Bylaws of the Synod.

131 6.8. It is the duty of the President, or an officer of the Synod appointed by  
132 the President, to be present at the meetings of the districts, to advise  
133 them, and to report at the next session of the Synod.

134 7.9. The President shall perform all additional duties assigned to him by the  
135 Bylaws or by special resolution of the Synod in convention, provided  
136 that such duties do not conflict with other provisions of the Constitution.

137 8.10. When matters arise between meetings of the Synod in convention  
138 which are of such a nature that action thereon cannot be delayed until  
139 the next convention, the President is authorized to submit them to a  
140 written vote of the member congregations of the Synod only after full  
141 and complete information regarding the matter has been sent to  
142 member congregations by presidential letter and has been published in  
143 an official periodical of the Synod. If such matters are related to the  
144 business affairs of the Synod, such a vote shall be conducted only after  
145 the President has consulted with the synodical Board of Directors. In all  
146 cases at least one-fourth of the member congregations must register  
147 their vote.

148 And be it further

149 *Resolved,* That when the amendment process is complete, **this body** memorializes the  
150 Synod in Convention that the Bylaws of the Synod regarding ecclesiastical  
151 supervision (Bylaws 2.14-2.17) be returned to the wording of the 2013 *Handbook*  
152 of the Synod to bring the Bylaws into harmony with this Constitutional  
153 amendment (Bylaw 3.9.4.2 b); and be it finally

154 *Resolved,* That **this body** memorialize the Synod in convention with this resolution.

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