

1 **To Overrule CCM Opinion 14-2724**

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

13 **“SUBJECT: TO OVERRULE CCM OPINION 14-2724**

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

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

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

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

33 WHEREAS, *2010 Synod Convention Res. 8-32B encourages the Synod to*  
34 *study Article VII of the Constitution, including study of*  
35 *“Congregations and Synod, Background Material on the Advisory*  
36 *Nature of the LCMS” along with opinions of the Commission on*  
37 *Constitutional Matters related to this topic (including CCM Opinion*  
38 *09-2573 listed in a “Whereas” paragraph in Resolution 8-32B);*  
39 *and*

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

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

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

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

62                   WHEREAS,       CCM Opinion 14-2724 referring to 2013 Synod Convention Res.  
63   1-08, “To Work Together in Mission,” called for a two-fold  
64   response: First, “Resolved, That the Synod, by the next  
65   convention, develop and provide a mission best-practices policy  
66   document for districts and congregations engaged in mission  
67   projects to assist them to better carry out their mission and their  
68   life together”, indicating that districts and congregations have and  
69   are recognized to have mission work and practices of their own,  
70   and because they have their own mission work and practices, the  
71   Synod should assist and support those efforts by developing a  
72   best-practices policy; and second, “that these best practices  
73   include encouragement to districts and congregations to  
74   communicate their international mission activities to the Synod’s  
75   Director of Church Relations and Offices of National and  
76   International Mission for the purposes of healthy coordination and  
77   stewardship” (underlined portions indicate emphasis added),  
78   indicating that districts and congregations can have their own  
79   mission activities and when they do they are encouraged to

80 *communicate these activities to the Synod for coordination and*  
81 *good stewardship; and*

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

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

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

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

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

112 *Resolved, That the Texas District in convention memorialize the Synod in*  
113 *convention to adopt this resolution and to overrule CCM Opinion*  
114 *14-2724, to be thereby declared null and void and of no effect.”;*

115 *and*

116  
117 *WHEREAS, The above resolution appears in the 2016 LCMS Convention Workbook as*  
118 *Overture 2-04, thereby affirming its material accuracy; and*

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

121 WHEREAS, LCMS Bylaw 3.9.2.2 (c) regarding the CCM says, in part:  
122 *“An opinion rendered by the commission shall be binding on the question*  
123 *decided unless and until it is overruled by a convention of the Synod. Overtures*  
124 *to a convention that seek to overrule an opinion of the commission shall support*  
125 *the proposed action with substantive rationale from the Constitution, Bylaws, and*  
126 *resolutions of the Synod. **All such overtures shall be considered by the floor***  
127 ***committee to which they have been assigned and shall be included in a***  
128 ***specific report to the convention with recommendations for appropriate***  
129 ***action.” (Emphasis added);***

130 and

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

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

143 WHEREAS, The document “LCMS Best Practices in Short-Term Mission” requests  
144 congregations to receive approval from the Synod to be involved in short-term  
145 mission trips by referencing the Bylaws, which has been seen, correctly or  
146 incorrectly, as restricting congregations in “giving bold witness by word and deed”  
147 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  
148

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

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

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