

8. Synod Structure and Governance

To Adopt Amendments to the Articles of Incorporation and Bylaws re Resolution 7-02A

RESOLUTION 8-01

Overtures 7-52–54, 8-01, 8-03–04, (CW, pp. 254; 257–259)

WHEREAS, The 2004 convention of the LCMS created the Resolution 7-02A Committee; and

WHEREAS, The Resolution 7-02A Committee has issued its final report, which all convention delegates have received; and

WHEREAS, The Resolution 7-02A Committee unanimously approved the report; and

WHEREAS, The Commission on Constitutional Matters at its meeting on April 21–22, 2007, upon hearing the report by the chairman of the Resolution 7-02A Committee, discussed each section of the report with its recommended bylaw changes, and, by consensus, commended the committee for its work; and

WHEREAS, The Board of Directors meeting on May 16–18, 2007, passed the following resolution without dissent:

Resolved, That upon hearing and reviewing the report of the Resolution 7-02A Committee, the Board of Directors commends the committee for its hard work and the results of its prayerful efforts, heartily endorses the committee's recommendations, and prays that the convention will look upon the recommendations positively and adopt them;

therefore be it

Resolved, That we give thanks to the Resolution 7-02A Committee for its diligent and excellent work; and be it further

Resolved, That the following amendments to the Articles of Incorporation and Bylaws recommended by the Resolution 7-02A Committee be adopted.

PRESENT/PROPOSED WORDING

Article V Officers

The corporation shall have a board of directors of such number and qualifications and who shall be elected in such manner and for such terms of office as shall be set forth in the Constitution or Bylaws of The Lutheran Church—Missouri Synod. In addition, the corporation shall have officers having such qualifications and who shall be elected or appointed in such manner and for such terms of office as provided for in the Constitution or Bylaws of The Lutheran Church—Missouri Synod.

The management authority and duties of the Board of Directors of the Synod shall be limited to the extent such authority and duties are delegated by the Constitution and Bylaws of The Lutheran Church—Missouri Synod to other officers and agencies of the Synod. The management authority and duties of the Board of Directors and such other officers and agencies shall be defined in the Constitution and Bylaws, and each of them shall be responsible to the Synod for the proper and prudent fulfillment of the authority and duties so designated to them. In case of any conflict or uncertainty in determining the authority and duties of the Board of Directors and such other officers and agencies, the opinions of the Commission on Constitutional Matters interpreting the Constitution and Bylaws of The Lutheran Church—Missouri Synod shall be binding, unless and until overruled by a ~~synodical~~ convention of the Synod. In case of any

conflict or uncertainty relative to the applicability of the laws of the State of Missouri, such issues shall be resolved in accord with the provisions in the Constitution and Bylaws of the Synod.

PRESENT/PROPOSED WORDING

1.4.4 The Board of Directors serves the Synod as its legal representative and as custodian of all property of the Synod, and upon it is incumbent the general management and supervision of the business affairs of the Synod, except to the extent that management authority and duties have been delegated by the Articles of Incorporation, Constitution, Bylaws, or resolutions of a synodical convention to other officers and agencies of the Synod or to separate corporate or trust entities. Each other board of directors, board of regents, and board of trustees also serves the Synod with respect to the property of the Synod, to the extent of its jurisdiction, as provided or authorized in these Bylaws. Upon each such board of the Synod is incumbent the general management and supervision of the business affairs of the Synod to the extent of its jurisdiction. Any issues relative to the applicability of the laws of the State of Missouri shall be resolved in accord with the provisions in the Constitution and Bylaws of the Synod.

PRESENT/PROPOSED WORDING

3.3.5.4 The Board of Directors shall be responsible for the general management of the business and legal affairs of the Synod. It shall receive copies of all legal opinions or written counsel received by program boards, commissions, and councils of the Synod. ~~It and~~ shall be authorized to take on behalf of the Synod any action related to such business and legal affairs which has not been expressly delegated by the Constitution, Bylaws, and resolutions of the Synod to other officers or agencies of the Synod, and as to those shall have general oversight responsibility.

PRESENT/PROPOSED WORDING

3.3.5.5 The Board of Directors shall allocate available funds to the program boards, commissions, councils, and departments of corporate Synod and hold them responsible therefore.
(a) To the extent of its responsibilities relative to the general management and supervision of the business and legal affairs of the Synod:
(1) It shall receive such reports as it requests on the operations and policies of the program boards, commissions, and councils.
(2) It shall have the right to ~~call-up for request~~ request review ~~and criticism, and request modification or revocation of,~~ of any action or policy of a program board, commission, or council which primarily relates to business, property, and/or legal matters and, after consultation with the agency involved and when deemed necessary, require modification or revocation thereof, except opinions of the Commission on Constitutional Matters.

PRESENT/PROPOSED WORDING

3.9.2.1 The Commission on Constitutional Matters shall consist of
1. five voting members ~~appointed by the President of the Synod,~~ whose terms shall be for six years renewable once, three of whom shall be ordained ministers and two shall be lawyers;
2. the Secretary of the Synod, who shall serve as a nonvoting member of the commission and its secretary.

PRESENT/PROPOSED WORDING

3.9.2.1.1 The Commission on Constitutional Matters shall be appointed in the following manner:
(a) Candidates shall be nominated only by the district boards of directors and shall be presented to the Council of Presidents through the office of the Secretary.
(b) The Council of Presidents shall select five candidates for each vacant position and present them through the office of the Secretary of the Synod to the President of the Synod.

- (c) The President of the Synod, in consultation with the vice-presidents of the Synod, shall appoint the members of the commission from the list presented by the Council of Presidents.
- (d) Thereafter the appointments shall become effective upon ratification by a majority vote of the members of the Council of Presidents.
- (e) Vacancies in appointed positions shall be filled by following the procedure set forth above.

PRESENT/PROPOSED WORDING

- 3.9.2.2 The Commission on Constitutional Matters shall interpret the Synod's Constitution, Bylaws, and resolutions upon the written request of a member (congregation, ordained or commissioned minister), official, board, commission, or agency of the Synod.
- (a) A request for an opinion may be accompanied by a request for an appearance before the commission.
 - (b) The commission shall notify an officer or agency of the Synod if a request for an opinion involves an activity of that officer or agency and shall allow that officer or agency to submit in writing information regarding the matter(s) at issue.
 - (c) 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.
 - (d) When an opinion pertains primarily to business, legal, ~~finance, civil rights, contracts,~~ or property matters, and the Board of Directors of the Synod concludes that such opinion of the commission is contrary to the laws of the State of Missouri, the board and the commission, or their respective representatives, shall meet jointly to discuss the issue(s) and seek resolution thereof first consult with the Board of Directors of the Synod and/or the Synod's legal counsel. If agreement cannot be reached on whether the matter is governed by the laws of the state of Missouri, that question shall be presented to a five-member panel consisting of three hearing facilitators (Bylaw 1.10.12) chosen by blind draw by the Executive Director of Internal Audit of the Synod from the pool of hearing facilitators: one person appointed by the Commission on Constitutional Matters; and one person appointed by the Board of Directors. At least one of the hearing facilitators shall be an attorney, and the appointees of the commission and board shall not be members of the groups that appointed them. The decision of the panel in support of the position of the Commission on Constitutional Matters or the Board of Directors shall be binding on the issue(s) unless and until it is overruled by a convention of the Synod.

Action: Adopted (3)

(Special Standing Rule 7 was used to attend to this resolution, allowing up to 15 minutes for the committee's introduction and 30 minutes of uninterrupted discussion of the proposed resolution. During the final 45 minute period of debate, a motion was introduced to delete the proposed wording for Bylaw 3.9.2.1.1 and to insert two new paragraphs: "(a) The Commission on Constitutional Matters shall be elected by the Synod in convention. (b) In the event of a vacancy, the President shall nominate a replacement with the consent of three vice-presidents, that nomination to be effective upon ratification by a majority vote of the Council of Presidents." Because the proposed amendment included a bylaw change that had not been reviewed by the Commission on Constitutional Matters, the commission was asked to look into the matter. Because the amendment had not been presented to the floor committee prior to its introduction to the convention, the maker of the amendment was asked first to consult with the floor committee prior to further consideration by the convention. When the convention voted to end debate, the resolution was adopted as presented by the committee [Yes: 905; No: 292].)

To Affirm Christian Resolution of Disputes

RESOLUTION 8-02A

Overtures 8-05–10, L8-72 (*CW*, pp. 259–261)

WHEREAS, God has clearly stated in 1 Cor. 6 His intent that brothers and sisters in the faith not enter into lawsuits against one another:

If any of you has a dispute with another, dare he take it before the ungodly judgment instead of before the saints? Do you not know that the saints will judge the world? And if you are to judge the world, are you not competent to judge trivial cases? Do you not know that we will judge angels? How much more the things in this life! Therefore, if you have disputes about such matters, appoint as judges even men of little account in the church! I say this to shame you. Is it possible that there is nobody among you wise enough to judge a dispute between believers? But instead, one brother goes to law against another—and this in front of unbelievers! The very fact that you have lawsuits among you means you have been completely defeated already. Why not rather be wronged? Why not rather be cheated? Instead, you yourselves cheat and do wrong, and you do this to your brothers (1 Cor. 6:1–8).

and

WHEREAS, The early church provides a model in Acts 15 for settling disputes without resorting to charges and accusations; and

WHEREAS, The Synod, in walking together, has agreed to abide by the exclusive and final remedy for resolving conflict among its members provided in the Bylaws:

1.10.1 When disputes, disagreements, or offenses arise among members of the Body of Christ, it is a matter of grave concern for the whole Church. Conflicts that occur in the Body should be resolved promptly (Matt. 5:23, 24; Eph. 4:26–27). Parties are urged by the mercies of God to proceed with one another with “the same attitude that was in Christ Jesus” (Phil. 2:5). In so doing, individuals, congregations, and various agencies within the Synod are urged to reject a win-lose attitude that typifies secular conflict. For the sake of the Gospel, the Church should spare no resource in providing assistance.

1.10.1.1 The Holy Scriptures (1 Cor. 6:17) urge Christians to settle their differences by laying them before the “members of brotherhood.” Therefore, the Synod, in the spirit of 1 Cor. 6, calls upon all parties to a disagreement, accusation, controversy, or disciplinary action to rely exclusively and fully on the Synod’s system of reconciliation and conflict resolution. The use of the Synod’s conflict resolution procedures shall be the exclusive and final remedy for those who are in dispute (emphasis added). Fitness for ministry and other theological matters must be determined within the church. Parties are urged, in matters of a doctrinal nature, to follow the procedures as outlined in Bylaw 1.8;

and

WHEREAS, The Synod, in Bylaw 1.10.3, has defined certain exceptions to the fact that the dispute resolution process is to be the exclusive and final remedy for those who are in dispute; and

WHEREAS, The Synod, through the Commission on Theology and Church Relations, has previously addressed this issue in the Commission on Theology and Church Relations Report of April, 1991, “1 Cor. 6:1–11, An Exegetical Study”; and

WHEREAS, Opinion 05-2444 of the Commission on Constitutional Matters (*CW*, p. 320), adopted at the Nov. 28–29, 2005 meeting of the Commission, states:

- “The members of the Synod are required to resolve all matters of dissent or all disputes by the avenues and structures available to them as set forth in the Constitution and Bylaws of the Synod without resorting to secular courts and without resorting to avenues, means, structures, or communications that are foreign or contrary to the synodical agreements and which are not in harmony with the polity of the Synod.”
- “A lawsuit is not a legitimate avenue of dissent. In the agreement to live and work together, a member of the Synod is required to follow the avenue of dissent as set forth in Bylaw section 1.8, including honoring and upholding the resolutions of the Synod. While a lawsuit may be an appropriate process in which to resolve a dispute in the secular world, members of the Synod are governed by Bylaw section 1.8 as the required, exclusive, and agreed-to avenue of dissent and Bylaw section 1.10 as the required, exclusive, and agreed-to method of dispute resolution.”
- “In the agreement to live and work together, a member of the Synod is required to rely exclusively and fully on the Synod’s system of reconciliation and conflict resolution. Unless the dispute is one concerning property rights or contract arrangements under Bylaw 1.10.3 (a) or (b), such suit would be a gross violation of the process of Bylaw section 1.10 and the covenants which bind members together in the Synod. The use of the Synod’s conflict resolution procedures is the exclusive and final remedy for those who are in dispute (Bylaw section 1.10).”

and

WHEREAS, Our witness to the world is affected by the way we conduct ourselves when we have a disagreement with a brother or sister in Christ; therefore be it

Resolved, That the members of The Lutheran Church—Missouri Synod honor their commitment to utilize the Synod’s dispute resolution process as the exclusive and final remedy to resolve any disputes, conflicts, disagreements, or offenses within the Synod; and be it further

Resolved, That we commend to the members of the Synod the April, 1991 CTCR document, “1 Cor. 6:1–11, An Exegetical Study” for study and guidance.

Action: Adopted (6)

(After the entire resolution was read by the committee, and after discussion, the resolution was adopted as presented by the committee [Yes: 665; No: 341].

To Provide Wording for Congregations' Constitutions and Bylaws

RESOLUTION 8-04

Overtures 8-60–66 (*CW*, pp. 280–283)

WHEREAS, Article V of the Constitution states, “Membership in the Synod is held and may be acquired by congregations... of the Evangelical Lutheran Church who confess and accept the confessional basis of Article II”; and

WHEREAS, Article VI states, “Conditions for acquiring and holding membership in the Synod are the following: 1. Acceptance of the confessional basis of Article II”; and

WHEREAS, Bylaw 1.6.1 states, “The confessional position of the Synod is set forth in Article II of its Constitution, to which all who wish to be and remain members of the Synod shall subscribe”; therefore be it

Resolved, That the Synod in convention recognizes that the words “inspired,” “inerrant,” “infallible,” and/or “revealed” with respect to the written Word of God are in harmony with the confessional basis of the Synod (Art. II); and be it further

Resolved, That congregations be encouraged to include the words “inspired,” “inerrant,” “infallible,” and/or “revealed” with respect to the written Word of God in their constitutions and/or bylaws.

Action: Adopted (10)

(During discussion, an amendment to change “may” in the last resolve to “be encouraged to” was agreed to by the committee. The resolution was adopted as changed [Yes: 1,054; No: 35].)

**To Encourage the Study of CTCR Documents Relating to
Public Rebuke of Public Sin and to Amend
the Synod's Bylaws Relating to Matthew 18**

RESOLUTION 8-05A

Overtures 8-11–30 (*CW*, pp. 261–272)

WHEREAS, In 2004 Res. 8-01A, the Synod adopted new procedures for ecclesiastical supervision and dispute resolution; and

WHEREAS, These newly adopted bylaws have created uncertainty for some in the church as they relate to matters of public rebuke of public sin; and

WHEREAS, The Commission on Theology and Church Relations (CTCR) has recently approved a study document, *Public Rebuke of Public Sin* (May 2006, *CW*, pp. 361–368), which has been distributed to all LCMS congregations, pastors, and church workers; and

WHEREAS, Within the CTCR *Response to Expressions of Dissent 2004-2006* (*CW*, pp. 400–410), the CTCR has further addressed public rebuke of public sin in a section entitled “Ecclesiastical Supervision and Dispute Resolution (2004 Res. 8-01A; 2004 Res. 7-02A)”; and

WHEREAS, Prior to the adoption of 2004 Res. 8-01A, the practice of face-to-face meetings included in the former adjudication process of the Synod, dispute resolution process of the Synod, bylaws of the Synod, and CCM opinions from 1968 to present reflected a practice and desire for fraternal and evangelical relations among members of the Synod toward the goal of reconciliation; and

WHEREAS, The CTCR *Response to Expressions of Dissent 2004–2006* states in part (pp. 18–19):

It is clear that Matthew 18 does not directly apply to cases of public rebuke of public sin. The Scriptures make this clear and the Large Catechism teaches accordingly. In the opinion of the CTCR the dissenters make a good point in this connection. 2004 Res. 8-01A could have made it more clear that Matthew 18 does not directly apply to instances of public sin. *However, when it comes to the Synod's humanly devised procedures for expulsion from membership in the Synod or dispute resolution, it is legitimate for the Synod to expect a face-to-face meeting* [emphasis added]. In its May 2006 report on *Public Rebuke of Public Sin: Considerations in Light of the Large Catechism Explanation of the Eighth Commandment* [p. 15] the Commission on Theology and Church Relations says:

While there is no requirement to follow the steps outlined in Matthew 18 in cases where the text does not apply, this does not mean that steps outlined by Jesus in this text are prohibited [sic] in any case. Following the steps of Matthew 18 in cases beyond their direct application may in fact be beneficial to the church and its administrative structures and therefore advisable in the given case. But the church should neither assume nor insist that Scripture requires the procedure in every instance of public sin.

and further

Matthew 18 does not speak specifically to cases of public sin, as Luther declares in his explanation of the Eighth Commandment. The steps outlined in Matthew 18, therefore, are not to be considered absolute requirements mandated by Scripture nor the Confessions in cases of public sin. These steps may, however, be part of synodical processes that would lead to specific consequences of public sin (e.g., removal from the clergy roster of the Synod). Public rebuke is not the same as the filing of formal charges [emphasis added];

and

WHEREAS, The Commission on Theology and Church Relations in *Public Rebuke of Public Sin* formulated additional conclusions (pp. 26–28) on the public rebuke of public sin to help the Synod in its deliberations:

- Public rebuke should not be the first response to a first offense. A rapid rush to judgment should be avoided” (cf., Gal. 6:1–3);
- Public rebuke should be pursued first by those who have the office and responsibility of ecclesiastical supervision in the Synod, but if those having that responsibility fail in their duty public rebuke may be pursued by any Christian;
- One who offers public rebuke should be certain that he/she properly understands the nature of the sin to be rebuked;
- Public rebuke is not to be undertaken lightly but only after much prayer, deliberation, and consultation “with others who know of the sin;”
- In cases where the sin is not apparent to all and therefore perhaps not truly public, a call for discussion rather than rebuke might best serve the needs of the church;
- Public rebuke should be rare and used primarily in dealing with notorious or scandalous teaching or conduct in which the Gospel is at stake;
- The purposes of public rebuke are both to warn and instruct the church and to offer spiritual care to the offender;

and

WHEREAS, Paul teaches us to deal evangelically with one another: “Brothers, if someone is caught in a sin, you who are spiritual should restore him gently. But watch yourself, or you also may be tempted. Carry each other's burdens, and in this way you will fulfill the law of Christ” (Gal. 6:1-2 NIV); and

WHEREAS, Neither the words of Jesus in Matt. 18 nor the words of Luther in the Large Catechism prevent or preclude talking to a brother or sister who has caused offense, even with a public sin, but both Scripture and the Confessions teach the importance of reconciliation and winning the brother or sister; therefore be it

Resolved, That we affirm that Matt. 18 does not apply directly in cases of public sin; and be it further

Resolved, That we affirm the bylaw requirement of face-to-face meetings, even in the case of public sin, toward the goal of reconciliation and winning the brother or sister; and be it further

Resolved, That the Commission on Constitutional Matters be directed to bring the *Handbook* of the Synod into harmony with the understanding that Matt. 18 does not directly apply to cases of public sin (Bylaw 3.9.2.2.3); and be it finally

Resolved, That the Synod in convention encourage its congregations, clergy, commissioned ministers, laity, circuits and districts to study the CTCR document, *Public Rebuke of Public Sin*, and the section on “Ecclesiastical Supervision and Dispute Resolution” in the *CTCR Response to Expressions of Dissent* document (*CW*, pp. 402–405) to address the uncertainty of some in the church related to 2004 Res. 8-01A and the public rebuke of public sin (2004 Res. 8-01A; 2004 Res. 7-02A).

Action: Adopted (10)

(The resolution was read in its entirety as it was introduced by the committee. During the discussion that followed, the committee agreed to replace “recognize” with “affirm” in the first resolve and to add “and to Amend the Synod’s Bylaws Relating to Matthew 18” to the resolution’s title. When a lengthy amendment was offered expressing concern regarding the ecclesiastical supervisory responsibility of district presidents (printed in *Today’s Business*, p. 377), the chair was supported in ruling that the amendment was not germane to the resolution. The resolution was adopted as changed by the committee [Yes: 950; No: 122].)

**To Recommend Further Study of Composition
of Hearing Panels in Bylaws 2.14, 2.15, and 2.17**

RESOLUTION 8-06

Overtures 8-11-30 (CW, pp. 261-272)

WHEREAS, In 2004 Res. 8-01A, the Synod adopted new procedures for ecclesiastical supervision and dispute resolution; and

WHEREAS, This process has been a blessing to the Synod in resolving disputes and cases of ecclesiastical supervision that have arisen since its adoption and in better stewardship of the time and other resources of the Synod; and

WHEREAS, Concerns have been expressed by some regarding the composition of the Hearing Panel under current Bylaws 2.14, 2.15, and 2.17 which makes decisions for or against an accused member who is facing expulsion from membership in the Synod; therefore be it

Resolved, That the Synod in convention call for a special task force to study further the composition of the Hearing Panel under Bylaws 2.14, 2.15, and 2.17; and be it further

Resolved, That this special task force be comprised of two members appointed by the Commission on Constitutional Matters, one of whom shall be a commissioned minister; two members appointed by the Commission on Structure, one of whom shall be a layperson who is a hearing facilitator; and two district presidents appointed by the Council of Presidents; and be it finally

Resolved, That this special task force report the results of its study, and any recommendations that may result from its study, no later than the 2010 64th Regular Convention of the Synod.

Action: Adopted (10)

(During discussion of the resolution, an amendment to replace the reference to the 2010 convention in the final resolve with a reference to the 2009 special convention was offered and then withdrawn. The resolution was adopted as presented by the committee [Yes: 654; No: 89].)

To Call Special Convention to Amend Synod Structure and Governance

RESOLUTION 8-07S

Overture 8-67 (*CW*, p. 283)

WHEREAS, We, the delegates of the 63rd Regular Convention of the Synod, stand ready to meet our responsibility to serve throughout our three-year term of service; and

WHEREAS, Our Synod has over its history changed its structure many times in order to meet its changing needs; and

WHEREAS, Former Synod Presidents Bohlmann and Kuhn, other current elected leaders, as well as our Council of Presidents all support having a special convention; and

WHEREAS, Constitution Article XIV 1 states: “Changes in the Constitution and amendments thereto may be made provided they do not conflict with the provisions laid down in Article II and in Article VI”; and

WHEREAS, A two-thirds majority of the votes cast by the congregations of the Synod is required to ratify any changes to the Constitution of the Synod for them to become effective (Art. XIV 4); and

WHEREAS, Article VIII B 2 allows for the President of the Synod with the consent of two-thirds of the district presidents to call special sessions of the Synod; therefore be it

Resolved, That we as delegates of this convention direct President Kieschnick to meet with the Council of Presidents within the next 90 days, after consulting with our two seminary presidents, the Commission on Theology and Church Relations, Board of Directors, Vice-President–Finance—Treasurer, other officers of the Synod, and the Commission on Constitutional Matters; and be it further

Resolved, That if President Kieschnick and two-thirds of the district presidents determine at that time to call a special convention, we stand ready to serve; and be it finally

Resolved, That no proposed changes to the structure and governance of the Synod will conflict with Article II and Article VI of the Constitution.

Action: Adopted (10)

(The committee introduced the Res. 8-07A version of this resolution (*TB*, pp. 213–214) in Session 7, at which time an amendment to insert a new second resolve “That since Articles II, VI, and XIV do not pertain to structure and governance, amendments thereto are specifically prohibited” failed to be adopted. Discussion continued during Session 9, when the committee presented a substitute resolution that was accepted for consideration by the convention. An amendment resolving “That the said special convention shall have no authority to impair the title of congregations to their assets, most particularly to their land and buildings” was ruled out of order upon advice of the parliamentarian. After the chair was supported in this ruling, discussion continued for the remaining time allotted to the committee during the session. During Session 10, the committee introduced Res. 8-07S (provided as a handout prior to Session 10) with an accompanying motion “that a two-thirds majority vote be required for this substitute resolution.” The motion to require a two-thirds majority vote was carried, and the substitute resolution was adopted by the required vote [Yes: 793; No: 325].)

To Refer for Theological Study CCM Opinions 02-2296, 02-2309, and 02-2320

RESOLUTION 8-10

Overtures 8-47-57 (CW, pp. 277-279)

WHEREAS, The above-referenced overtures have variously expressed scriptural concerns regarding Opinions 02-2296, 02-2309, and 02-2320 of the Commission on Constitutional Matters (CCM); and

WHEREAS, None of the said overtures has expressed a substantive rationale arising from the Constitution, Bylaws, or resolutions of the Synod whereby said CCM Opinions 02-2296, 02-2309, and 02-2320 may be in error as concerns their interpretation of said Constitution, Bylaws, or resolutions of the Synod; and

WHEREAS, The responsibility of the CCM is solely to “interpret the Synod’s Constitution, Bylaws, and resolutions” (Bylaw 3.9.2.2) and not to determine theological issues pertaining thereto; and

WHEREAS, The means, methods, and manner of dispute resolution and ecclesiastical supervision (Bylaws 1.10, 2.12, and 2.13) were significantly revised at the 2004 62nd Regular Convention of the Synod, and policies adopted by the Council of Presidents for implementation of such changes have also occurred, including consideration of pertinent scriptural requirements as they may impact the same; and

WHEREAS, CCM Opinions 02-2296, 02-2309, and 02-2320 were rendered prior to these substantive changes; and

WHEREAS, The primary concern of these overtures may have already been addressed by the changes indicated; therefore be it

Resolved, That the Synod in convention refer these above referenced overtures to the Commission on Theology and Church Relations for consideration, and in consultation with the Council of Presidents and Commission on Structure report back to the 2010 64th Regular Convention as to how the theological issues are addressed under the most recent changes to the bylaws, namely dispute resolution and ecclesiastical supervision, and the policies implemented by the COP.

Action: Adopted (10)

(During discussion, a substitute resolution was proposed (printed in *Today’s Business*, p. 378). After the assembly voted not to consider the substitute resolution and discussion continued, a motion to amend the resolution with Overture 8-37 (CW, p. 273) was ruled a substitute resolution, which the convention also declined to consider. The resolution was adopted as presented by the committee [Yes: 603; No: 191].)

To Amend Bylaws for Special Convention

RESOLUTION 8-13

Overture 8-67 (CW, p. 283)

WHEREAS, A special convention of the Synod is limited in scope to the purpose for which that convention is called; therefore be it

Resolved, That the following bylaws be added to Bylaw section 3.1:

PROPOSED WORDING

3.1.11 The business of any special session of the Synod (Constitution Art. VIII B) is limited to the specific stated purpose(s) for the calling of the special session.

3.1.11.1 The President of the Synod, in consultation with the Council of Presidents and the Board of Directors of the Synod, shall establish the specific provisions for any special session of the Synod such as "Reports and Overtures," "Convention Committees," "Pre-convention Publications," "Convention Order," and "Convention Communications," including any required implementation timeframes.

Action: Adopted (10)

(This resolution was distributed as a handout to the convention prior to Session 10 and, after discussion, was adopted as presented by the committee [Yes: 937; No: 156].)