

MINUTES

COMMISSION ON CONSTITUTIONAL MATTERS

St. Louis Airport Crowne Plaza Hotel

July 10–11, 2015

111. Call to Order; Opening Devotion

Chairman George Gude called the meeting to order with all members present. He called on Secretary Hartwig, devotion and prayer leader for the meeting, to provide an opening devotion.

112. Missouri District Board of Directors Policy Manual Review (14-2721)

With a June 9, 2014 email, the secretary of the Missouri District submitted the district board of directors' policy manual for review. The commission offered the following comments and recommendations:

- Under Policy 2.2, final paragraph: The commission suggests specific mention of Synod Bylaw 1.5.2 as foundational for all Synod agency conflict of interest policies, requiring annual signed statements.
- Under Policy 2.3, third paragraph: The Synod resolution referenced is 2013 Res. 7-05. Mention should also be made, under Synod Bylaw 1.5.3, of the requirements of Synod Board of Directors Policy 5.7.8 for agency electronic meetings.
- Under Policy 2.4, the final paragraph would be more helpful and complete were reference also made to Synod Bylaws 1.5.7–1.5.7.2 regarding removal of board members.
- Under Policy 2.5, the first paragraph should include reference to Synod Bylaw 1.5.3.2 (a) regarding limitations on delegation to executive committees.
- Under Policy 2.5, the commission notes the mention of additional policy manuals in the third and fourth paragraphs and asks that they be submitted for review.
- Under Policy 3.0, first bullet, the second sentence regarding authorization of fund appeals is too broad, the word “within” perhaps better replaced with “on behalf of.”
- The title of Policy 4.0 would be more clear if it referred to policies “for the District as an Agency of the Synod.”
- Under Policy 4.0, the new paragraph regarding signatures on legal documents must indicate that such documents are to be signed “by the president and one or more” of the officers listed thereafter (see Synod Constitution Art. XII 9 d).
- The second paragraph of Policy 5.4 should reflect 2013 Res. 6-18, which resulted in Synod Bylaw 3.12.2.3, making convention delegate lists the responsibility of the Secretary of the Synod and not to be disseminated.

113. Ecclesiastical Supervision Responsibilities of the President of the Synod (15-2750)

Via a February 2, 2015 email, a district president submitted three questions pertaining to the responsibilities of the President of the Synod in the exercise of ecclesiastical supervision of individual members of the Synod. After discussion, the commission agreed to carry this matter over to its next scheduled meeting in September.

114. Abbreviated “Guidelines for Constitutions and Bylaws of Small and Developing Lutheran Congregations” (15-2753)

Upon request of the Council of Presidents, the Secretary of the Synod developed the following guidelines document to more appropriately serve the needs of ethnic groups and small congregations. After review and discussion, the commission approved the document with several changes, the final version of the document to read as follows.

GUIDELINES FOR CONSTITUTIONS AND BYLAWS OF SMALL AND DEVELOPING LUTHERAN CONGREGATIONS

INTRODUCTION

This document is an abbreviated version of the document “Guidelines for Constitutions and Bylaws of Lutheran Congregations” provided by the Commission on Constitutional Matters (CCM) of The Lutheran Church—Missouri Synod (LCMS). It was prompted by a request from the Synod’s Council of Presidents for guidelines that will better serve the particular needs of smaller congregations and of ethnic groups desiring to form congregations and apply for membership in the LCMS, for whom the CCM’s existing guidelines contain more detail than they can readily use. It is also in part a product of the Southeastern District of the LCMS, whose constitution committee, district staff, and other-ethnic pastors provided a draft document that has been, to a large extent, incorporated into this document.

The Holy Scriptures do not prescribe a form of polity for a local congregation. In determining such polity, much will depend upon its size, ethnic background, sociological setting—whether rural, urban, or suburban—and other factors including the laws of the state in which a congregation is located. Congregations will want to structure themselves in such manner as they believe will be most suitable for their needs and most effective for carrying out the Great Commission of our Lord in a manner that is in harmony with Holy Scripture, the Lutheran Confessions, and the teachings and practices of The Lutheran Church—Missouri Synod.

GUIDELINES FOR CONSTITUTIONS

The following are required subjects to be addressed in a congregation’s constitution, with brief comments and example paragraphs also provided.

I. NAME

[Legal counsel should be consulted to make certain that this paragraph follows the requirements for ecclesiastical corporations established by the state in which the congregation is located. In addition, 1995 Synod Res. 3-13A resolved that “all congregations and mission stations in our Synod boldly profess in their official title and/or name that they are ‘Lutheran.’”¹]

Example:

“The name of this congregation shall be [Name] Lutheran Church of [City,] [County,] [State].”

II. MISSION

[It is desirable to state in the constitution of a Christian congregation the mission or purpose for which the congregation exists. Such a paragraph should contain the congregation’s fundamental purposes.]

Example:

“The purposes for which this congregation is formed are:

- A. To facilitate spreading the Christian faith in its community and throughout the world.
- B. To foster Christian fellowship and charity.”

III. CONFESSIONAL STANDARD

[The Lutheran Church—Missouri Synod requires that its member congregations accept the confessional standard of the Synod. A congregation’s confessional statement cannot go beyond that of the Synod.]

Example:

“This congregation accepts without reservation:

- A. The Scriptures of the Old and the New Testament as the written Word of God and the only rule and norm of faith and practice.

- B. All the Symbolical Books of the Evangelical Lutheran Church as a true and unadulterated statement and exposition of the Word of God as contained in the *Book of Concord* of 1580.”

IV. SYNOD MEMBERSHIP

[Although not an essential paragraph, since membership in the Synod is not determined by a statement in a congregation’s constitution, congregations may wish to include mention of their membership in the Synod.]

Example:

“This congregation shall be a member congregation of The Lutheran Church—Missouri Synod (LCMS) as long as the confession of faith and constitution of the Synod remain in accord with the congregation’s confessional standard as set forth in Article III of this constitution.”

V. MEMBERS OF THE CONGREGATION

[Synod congregations often distinguish between three types of congregational membership: baptized, confirmed, and voting. These three categories require definition here or in bylaws.]

Example:

“The membership of this congregation is comprised of the three categories of members defined in the bylaws of this congregation: baptized members, confirmed members, and voting members.”

VI. CALLED CHURCH WORKERS

[This article establishes the congregation’s right to call its ordained and commissioned ministers, what persons are eligible to receive its calls, how such ministers may be removed from office, and how vacancies in called positions are to be handled.²]

Example:

“The voters assembly of this congregation (as defined in the bylaws of this constitution) shall have the exclusive right to call ordained ministers who are members of The Lutheran Church—Missouri Synod or who have satisfied the requirements for assignment of first calls within the Synod, or ordained members in good standing of church bodies in altar and pulpit fellowship with the Synod. It may also call commissioned ministers who are members of the Synod. In every case, it shall obtain counsel from the president of the congregation’s district.

“Called ordained or commissioned ministers may be removed from office by a two-thirds vote of the voters assembly for one of the following reasons: persistent adherence to false doctrine, scandalous life, willful neglect of duties, the inability to perform those duties, or domineering in office.”

VII. AUTHORITY OF AND WITHIN THE CONGREGATION

[It is wise to include in the constitution an article that provides clarity regarding the extent of the authority of and within a congregation. Unique circumstances such as ethnic or cultural differences may be reflected in terminology used and the manner in which decisions are made.]

Example:

“The voters assembly, as defined in this congregation’s bylaws, shall be its governing body and shall be empowered to call its ordained and commissioned ministers, elect its officers, and administer and manage its affairs as specified in the bylaws. Only the voters assembly may encumber, purchase, or sell real property, including buildings; adopt the annual budget of the congregation; incur non-budgeted (emergency) expenses; and dissolve the congregation or terminate its membership in The Lutheran Church—Missouri Synod.”

VIII. MEETINGS

[Constitutions of congregations should establish how the meetings of the voters assembly will be called and how a quorum will be determined. Not requiring a specific number or percentage of voting members to be present permits a meeting to be valid so long as it has been properly called.]

Example:

“Meetings of the voters assembly may be called at the request of the pastor, the congregation’s officers, or ten members of the voters assembly. Such meetings shall be announced at worship services each of the two weeks prior, with efforts made to notify all voting members. The voting members present at a properly called meeting shall constitute a quorum. In addition to principles laid down in the Holy Scriptures and in the constitution and bylaws of this congregation, basic parliamentary procedures shall be followed.”

IX. OFFICERS AND BOARDS

[Congregations are at liberty to determine their own organizational structures consistent with local and state requirements for not-for-profit corporations. Constitutions should establish only those offices, boards, and committees that form the essential framework of the congregation. In accordance with the teachings and practice of the LCMS, women are not to be placed in offices that will call upon them to carry out specific functions of the pastoral ministry. In addition, the Synod encourages every congregation to include in its organizational structure a board or committee for stewardship.³]

Example:

“This congregation shall have such officers and boards as provided in its bylaws, in addition to any that the congregation shall establish from time to time.”

X. DIVISION

[Disagreements occur in Christian congregations, at times resulting in a parting of the ways. It is important to set down principles in advance to govern such a situation.]

Example:

“If at any time division shall take place within this congregation, efforts shall be made to resolve differences in a God-pleasing manner. If division into factions occurs, the counsel of the district president shall be sought to determine which group shall retain the property.”

XI. AMENDMENTS TO THIS CONSTITUTION

[Constitutions must provide a method for their amendment. Certain articles can be made more difficult to amend by providing two separate procedures. All revisions must be submitted to the president of the district for review by the district constitution committee and approval by the district board of directors before their final adoption by the congregation.]

Example:

“This constitution may be amended in a properly convened meeting of the voters assembly in the following manner.

- A. Ordinarily, amendments to the provisions of this constitution shall be submitted in writing for public posting two weeks prior to the two consecutive meetings at which the proposed amendments will be discussed. A two-thirds affirmative vote of the voters present shall be required to continue to amendment process.
- B. Amendments to Articles _____ shall not alter their essential meaning. Notice of discussion of these amendments shall be given to all members prior to the two voters assemblies when the proposed action will be discussed. A two-thirds affirmative vote of the voters present at these meetings shall be required on both occasions to continue the amendment process.
- C. All revisions shall be submitted to the president of the district for review by the district’s constitution committee and favorable action by the district’s board of directors prior to final adoption by the congregation by a two-thirds affirmative vote.”

GUIDELINES FOR BYLAWS

The following are subjects that ordinarily are addressed in a congregation’s bylaws. For additional subjects that may be addressed as needed, see the document “Guidelines for Constitutions and Bylaws

of Lutheran Congregations” that has been provided by the Commission on Constitutional Matters (CCM) of The Lutheran Church—Missouri Synod (LCMS).

1. BAPTIZED MEMBERSHIP

Example:

“Baptized members of this congregation are all persons who have been baptized in the name of the Triune God and are under its spiritual care. Expectations of baptized membership include:

- a. Faithful and regular attendance at worship services
- b. Living a Christian life (Galatians 5:19–26)
- c. Submission to Christian admonition (Matthew 18)
- d. Contribution of time, talents, and treasure toward the maintenance of the congregation and extension of the church at large as God has blessed
- e. Willingness, in due time, to be instructed in the Christian faith in preparation for confirmed membership in this congregation.”

2. CONFIRMED MEMBERSHIP

Example:

“Confirmed members are all baptized persons within the congregation who have completed a course of instruction in Christian doctrine that meets with the approval of the congregation’s officers. Persons interested in attaining confirmed membership shall make their interest known to the president of the congregation. The congregation’s supervising pastor shall ascertain the interested person’s understanding of and commitment to the congregation’s Confession of Faith (Constitution Art. III). The pastor shall determine whether additional instruction will be required and the appropriate method for such instruction. The pastor shall also be authorized to extend confirmed membership to the person and announce such in a public worship service.

“In addition to the duties of baptized members, expectations of confirmed members include:

- a. Acceptance of the confession of faith described in constitution (Article III)
- b. Familiarizing themselves with the doctrine of The Lutheran Church—Missouri Synod
- c. Partaking of the Lord’s Supper
- d. Participation in continuing Christian education
- e. Training their children in the Christian faith by making use of educational opportunities in the congregation to enable parents to be spiritual teachers of their children and to nurture their faith.”

3. VOTING MEMBERSHIP

Example:

“Voting Members are confirmed members who have reached the age of majority, request membership by attending a voters meeting of the congregation, and sign the constitution of the congregation. The total number of voting members constitutes the voters’ assembly of the congregation.”

4. TERMINATION OF MEMBERSHIP

Example:

“Membership in the congregation may be terminated in the following manners:

- a. A member desiring to transfer membership to another LCMS congregation shall inform the president of the congregation, who shall be responsible for creating and mailing a letter of transfer to the receiving congregation.
- b. A member whose whereabouts is unknown or who has moved from the area may be removed from membership after a period of one year.
- c. A member whose actions call into question his/her continued membership in the congregation shall be the subject of Christian discipline in accord with Matthew 18:15–20, its purpose to renew the member’s relationship with the Lord and the church.
- d. A member who is not responsive to the witness and ministry of the church shall be considered self-excluded.”

5. OFFICERS AND THEIR RESPONSIBILITIES

Example:

“This congregation shall have the following officer positions:

- a. A president shall preside at all meetings of the congregation and monitor the congregation’s compliance with the constitution and bylaws of the congregation. He shall also perform such other duties as are common for his office or as directed by the congregation from time to time.
- b. A secretary shall keep and preserve accurate records of the congregation, making available minutes of its meetings, also handling its correspondence and such other duties commonly required of the office.
- c. A treasurer shall keep and preserve accurate records of all receipts and disbursements, submit a written report at all regular meetings of the congregation, and assure the accuracy and propriety of its financial transactions.”

6. NOMINATIONS, ELECTIONS, TERMS OF, AND REMOVAL FROM OFFICE

Example:

“Officer positions of this congregation shall be filled and function according to the following provisions:

- a. Individuals may be nominated by voting members at an annual election meeting. All nominees shall be voting members noted for their Christian knowledge, zeal, and experience in the work of the church.
- b. Nominees who receive a majority of the votes cast by the voting members present at the meeting shall be declared elected.
- c. All elected officers will begin terms of office on the second Sunday of the month following their election.
- d. Officers shall serve terms of two years and shall serve no more than two successive terms in a position without a break of at least one year.
- e. Elected officers shall not receive compensation from the congregation.
- f. In the event of a vacancy in an office, the office shall be filled by election.”

7. BOARDS AND THEIR RESPONSIBILITIES

Example:

“This congregation shall have one or more boards established by the voters’ assembly of the congregation with responsibilities established by resolution of the congregation as are necessary to assist the called workers, elected leaders, and members of the congregation in carrying out its mission and ministry.”

8. AMENDMENTS TO THESE BYLAWS

Example:

“These bylaws may be amended in a properly convened meeting of the voters assembly in the following manner:

- a. Amendments shall be adopted by a majority of all votes cast, provided the proposed change has been announced in a previous meeting or has been submitted in writing to all communicant members at least two weeks prior to the meeting.
- b. Revised bylaws must, as a condition of continued membership in good standing in The Lutheran Church—Missouri Synod, be submitted to the president of the district for review by the district’s constitution committee and favorable action by the district’s board of directors before being adopted by the congregation.”

¹“WHEREAS, We have been called Lutheran since the formation of our Synod (and since reformation times) and are thankful for our doctrinal background and heritage; and

WHEREAS, The name Lutheran clearly identifies what the member congregations and The Lutheran Church—Missouri Synod believe, teach and confess; and

WHEREAS, Basic Christian honesty and integrity require that no deception of any sort be used in declaring the truth of the Gospel before all the world, as St. Paul declares: 'Rather we have renounced secret and shameful ways; we do not use deception, nor do we distort the Word of God. On the contrary, by setting forth the truth plainly we commend ourselves to every man's conscience in the sight of God' (2 Cor. 4:2); therefore be it

Resolved, That all congregations and mission stations in our Synod boldly profess in their official title and/or name that they are 'Lutheran'; and be it further

Resolved, That all congregations and mission stations of our Synod state in their materials (bulletins, newsletters, etc.) that they belong to The Lutheran Church—Missouri Synod; and be it finally

Resolved, That all LCMS congregations gladly proclaim our great doctrinal heritage to a world that needs the clear proclamation of the truth." (1995 Res. 3-13A, "To Use the Name Lutheran")

² Synod Bylaws 2.5.1–2.5.3 provide specific information.

³ Synod Bylaw 2.2.1 (a) (1).

The commission instructed the Secretary of the Synod to have this document posted on the Synod's Web site along with the already posted non-abbreviated guidelines document, "GUIDELINES FOR CONSTITUTIONS AND BYLAWS OF LUTHERAN CONGREGATIONS."

115. Minnesota South District Bylaw Review (15-2756A)

A member of the staff of the President's Office of the Minnesota South District, with a February 16, 2015 email, submitted final proposed revisions to the district handbook for the commission's review. Upon review, the commission approved all changes, including adding back in the words "and any regional offices" at the end of paragraph (f) of Bylaw 4.2.15.6, thanking the district for its cooperation.

116. Bylaw Section 2.15 Standard Operating Procedures Manual Revision (15-2761)

Bylaw 2.15.10.3 requires the commission to "amend as necessary the *Standard Operating Procedures Manual* that serves as a comprehensive procedures manual for the provisions set forth in Bylaw section 2.15." After the required consultation with and concurrence of the Council of Presidents and after making final changes to bring it into line with the 2013 *Handbook* of the Synod, the commission approved the manual and instructed the Secretary to post it on the Synod's Internet site.

117. Bylaw Section 2.16 Standard Operating Procedures Manual Revision (15-2762)

Bylaw 2.16.10.4 requires the commission to "amend as necessary the *Standard Operating Procedures Manual* that serves as a comprehensive procedures manual for the provisions set forth in Bylaw section 2.16." After the required consultation with and concurrence of the Council of Presidents and after making final changes to bring it into line with the 2013 *Handbook* of the Synod, the commission approved the manual and instructed the Secretary to post it on the Synod's Internet site.

118. Oklahoma District Bylaws Review (15-2767)

Via a May 7, 2015 email, the commission received the *Handbook* of the Oklahoma District, the district's response to an earlier review by the commission. The commission expressed its appreciation for the district's efforts and, upon review, offers the following recommendations and expectations.

- Article II, section 3 – This statement will better read "...governed by the Constitution and Bylaws of the Synod." The bylaw references at the end of the paragraph should be deleted since they are not the most applicable and supportive of the statement.
- Article III, section 1, subsection b – Because of a recent change to Synod Bylaw 4.3.1, the second sentence must now read: "The vice-presidents shall be elected from the ordained minister roster of the ~~Synod~~ district with residence in the designated region, and shall..."
- Article III, section 1, subsection c – Due to Synod bylaw changes, the second sentence must be changed to read: "The district secretary shall be elected by the district in convention from the ordained minister roster of the ~~Synod~~ district and shall be..." (Synod Bylaw 4.3.1)

- Article III, section 1, subsection e – Due to Synod bylaw changes, the first sentence must be changed to read: “A visitor for each circuit of the district shall be elected from the ordained minister roster of the Synod district.”
- Article III, section 4, subsection a, first paragraph – In order to agree with the terminology of the Synod, the first sentence should speak of “nine (9) members ~~elected~~ selected at regional caucuses and ratified by the district in convention, which ratification constitutes election.”
- Article III, section 4, subsection a, first paragraph – The sentences in the middle of the paragraph, in order to mirror recent changes to Synod bylaws, must read: “In order to be elected and continue to serve as an ordained or commissioned member of the board, he/she shall be called to or be a member of a congregation of a the circuit of the region of the district from which elected, with residence in the designated region. Called workers shall be on the roster of the district Synod (ordained and commissioned), and not be on suspended status (Synod Bylaw 2.13.4.2).
- Article III, section 4, subsection a, first paragraph – The final sentence will need to be changed to read, “In order to be elected and continue to serve as a lay member of the board, he/she must be a member in good standing of a congregation of the circuit of the region of the district from which elected, with residence in the region” (Synod Bylaws 4.7.1; 3.12.2.7 [a]).
- Article III, section 4, subsection a, third paragraph: A fifth condition should be added to this paragraph regarding electronic meetings, to read: “...~~and~~ (4) such practice does not contradict state law; and (5), under Synod Bylaw 1.5.3, is consistent with LCMS Board of Directors Policy 5.7.8 for agencies of the Synod.”
- Article III, section 4, subsection b, paragraph ii: Given the Bylaw requirement that the Commission on Constitutional Matters must examine and review all agency bylaws and governing documents (Synod Bylaws 3.9.2; 3.9.2.2.3), mention of the “bylaws of each camp board” prompts the commission to request copies of these documents for review.
- Article III, section 6: In addition to the exception of the Synod President from accountability by the district board of directors, the parenthetical statement should also include mention of “circuit visitors – Synod Bylaws 5.2.3 [a]; 5.2.3.3).
- Article IV, section 1: The proposed change to the third sentence of this paragraph must be changed back to the original wording in accord with the principle articulated by Synod Bylaw 3.12.3.6 (a), where “at least two candidates and at least one alternate” are to be selected for each position. See also Synod Bylaw 4.2.1 (a).
- Article IV, section 2: The final two sentences will better read: “Selection of the circuit visitor shall be ~~by election~~ by written ballot (Synod Bylaw 5.2.2 [d] {e}). The individuals selected by their circuits will then have their names submitted to the district convention, ~~for ratification, which shall~~ The resolution submitting these names to the convention will be subject to amendment. Upon adoption of the resolution, such ratification shall constitute election to the office.
- Article IV, section 3: Since these board members are selected by their regions and submitted to the district convention for ratification, the same is true as in the above bullet. The final sentence should therefore read: “The individuals selected by their regions will then have their names submitted via a resolution to the district convention for ratification ~~which~~. This resolution will be subject to amendment. Adoption of the resolution shall constitute election to the board.
- Article IV, section 4: Here again, since these vice-presidents are selected by their regions and submitted to the district convention for ratification, this paragraph beginning with its second-last sentence, should read: “The regions other than the region from which the first vice-president was elected shall caucus at the convention to select ~~elect~~ their vice-presidents. These names shall be submitted to the district convention, such resolution being subject to amendment. The district in convention will then ratify and rank the vice-presidents (see Synod Bylaw 3.12.2.7 [g]).
- Article V, section 1, paragraph a: Voting delegates to district conventions must be accredited as required by Synod Bylaw 4.2.2. The third sentence of the paragraph will better read: “Each

congregation or parish (a parish being two or more congregations served by the same pastor) shall be represented by one (1) pastor and one (1) lay delegate duly elected by the congregation or parish at least one hundred and fifty (150) days prior to the convention and accredited by the district secretary as required by the Synod.

- Article V, section 1, paragraph a: Other advisory representatives may also attend the district convention from groups such as listed by Synod Bylaw 3.1.4. Other groups may also be represented, such representatives to attend as guests, as in the case of youth representatives (Synod Bylaw 3.1.4.6). The final sentence of paragraph a will therefore better read: “Other advisory representatives may be selected from ~~representative~~ groups such as are listed by Synod Bylaw 3.1.4. Other groups, such as youth, contract teachers, etc., may ~~and~~ be invited to attend the convention as guests.
- Appendix E, “At the Time of the Convention,” fifth paragraph: In keeping with the terminology of the Synod *Handbook*, this sentence should read: “The convention delegates ratify the slate of circuit visitors selected ~~elected~~ by the circuits of the district.”

119. Synod Convention Nominations Processes (15-2768)

The Secretary of Synod presented the Commission on Constitutional Matters with questions concerning the nominations processes for Synod conventions, questions related to preparation for the meeting of the Committee for Convention Nominations scheduled for January 7–9, 2016, and related to the preparation of ballots for regional elections scheduled to be mailed to all congregations later in 2015.

A. The first series of questions dealt with the adoption of 2013 Res. 5-05B, wherein the Synod convention adopted a new paragraph (f) for Bylaw 3.12.3.5:

(f) The committee for convention nominations shall establish and maintain a procedure to generate and publish in advance of the convention a list of names from all who have been nominated for Synod boards and commissions who meet the qualifications (Bylaws 3.10.5.2 7 and 3.6.6.3) to serve on a Concordia University System board of regents or the Concordia University System Board of Directors.

Question 1: Will it be appropriate for the Secretary of the Synod to devise, as part of his duties to obtain names and information for presentation to the Committee for Convention Nominations at its first meeting (Bylaw 3.12.3.4 [f]–[g]), a procedure to present to the committee at its January meeting for carrying out the requirements of Bylaw 3.12.3.5 (f)?

Opinion: The pertinent provisions of the Synod’s Bylaws concerning the work of the Committee for Convention Nominations not only anticipate the Secretary of Synod handling a substantial amount of the preliminary work of the Committee for Convention Nominations (Bylaw 3.12.3.4); they also provide that although the Secretary is not a member of the committee, he shall convene the initial meeting of the committee and shall also “be available, upon call, for consultation” (Bylaw 3.12.3.5). The committee is responsible for informing itself of its duties and the requirements of each position for which it must select candidates. It also elects its own chairman, vice-chairman, and secretary and is required to organize its work “in whatever way it deems necessary” (Bylaw 3.12.3.5 [b] and [c]). Given the short time frame from the committee’s meeting in January and the convention slightly more than 6 months later, it is understandable that the Secretary of Synod would be on call for consultation, for there is much to be done during that relatively short period of time. There is nothing that precludes the Secretary of Synod developing a procedure for presentation to the committee at its first meeting for whatever use the committee may determine appropriate.

Question 2: If it is appropriate to devise a procedure, will it be appropriate for the Secretary of the Synod, as part of his duties to facilitate the work of the Committee for Convention Nominations, to contact those persons who have been nominated for Synod boards and commissions to obtain the information that will be necessary to determine if they meet the qualifications

requirements provided in Bylaws 3.10.5.2 7 and 3.6.6.3; to learn of their willingness to serve if nominated and subsequently elected to a CUS board position; and to subject the information to the screening process required by Bylaws 3.10.5.2 7 and 3.6.6.3—in preparation for the meeting of the Committee for Convention Nominations?

Opinion: The provisions of Synod Bylaw 3.12.3.4 see the Secretary doing a great deal of the preliminary work for the Committee for Convention Nominations. Moreover, in Bylaw 3.12.3.5 (e) the responsibility for ultimately reviewing and verifying that the nominees for positions on boards of regents meet the qualifications set forth in Bylaw 3.10.5.2 7 belongs partially to the Secretary of the Synod, the same also true for positions on the Concordia University System Board of Directors and the qualifications set forth in Bylaw 3.6.6.3. It is not inappropriate for him to have this level of involvement as part of his duties in gathering the information necessary to satisfy this requirement.

Question 3: If it is appropriate to carry out the process described by #2 above, can the required list provided to the Committee for Convention Nominations include only the names of those who qualify for a CUS board position and who have indicated that they would be willing to serve if elected? Or, must the list contain all names of all nominees for all boards and commissions who have been nominated for other boards and commissions, identifying those who meet qualification requirements and have consented to serve if nominated and elected?

Opinion: Synod Bylaw 3.12.3.5 (f) requires that the list referenced include “all” names nominated for Synod boards and commissions “who meet the qualifications (Bylaws 3.19.5.2 7 and 3.6.6.3) to serve on a Concordia University System board of regents or the Concordia University System Board of Directors.”

Question 4: As the Committee for Convention Nominations goes about its work, may it use nominees from the Bylaw 3.12.3.5 (f) list as necessary to satisfy the requirement of Bylaw 3.12.3.6 (a)? As the Committee for Convention Nominations goes about its work as described in Bylaw 3.12.3.6, must/should the report described in paragraph (c) include mention, in the case of CUS elections, that the candidates have satisfied the requirements of Bylaws 3.6.6.3 or 3.10.5.2 7 as pertinent?

Opinion: As the Committee for Convention Nominations goes about its work, it may select nominees that appear on the Bylaw 3.12.3.5 (f) list as necessary to satisfy the requirement of Bylaw 3.12.3.6 (a), *so long as they are names received through the regular nominations process*. And yes, the report described in Bylaw 3.12.3.6 (c) should also include mention that the candidates satisfy the requirements of Bylaws 3.6.6.3 or 3.10.5.2 7 as pertinent.

Question 5: Must the list created under the procedure established by the Committee for Convention Nominations include also the names and required information of those nominated for regional board positions, *i.e.*, Board of Directors, Board for National Mission, and Board for International Mission? If the answer to this question is “yes,” will this include every individual from every region for every board or commission position who has received at least one nomination?

Opinion: The list thus created must include also the names and required information of those nominated for regional board positions (*i.e.*, Board of Directors, Board for National Mission, and Board for International Mission) who have been found qualified under the processes described in Bylaw 3.12.3.5 (e). As noted previously, Bylaw 3.12.3.5 (f) requires that the list referenced include “all” names nominated for Synod boards and commissions and found qualified—whether regional or not, and from every region, for every board or commission position. This is so even when an individual receives only one nomination for a position. However, names nominated *only* for regional positions, and therefore not received by the Committee for Convention Nominations through the regular nominations process, are not available to the committee as it selects candidates under Bylaw 3.12.3.6 (a). Names nominated for

regional positions and included in the Bylaw 3.12.3.5 (f) list become available only as floor nominations at the convention and only if the convention so orders by a simple majority vote (Bylaw 3.12.3.7 [c]).

Question 6: Will it suffice to satisfy Bylaw 3.12.3.5 (f) expectations if the final list of qualified persons is published in the *Convention Workbook* as part of the Committee for Convention Nominations report?

Opinion: Yes.

B. The remaining questions were prefaced with the information that this will be the first convention to fill regional positions for which there will be incumbents who will have served first terms. It was also noted that the nominations process outlined by Bylaw 3.12.2.7 is understood to be the process that is required to be used for all regional elections.

Question 7: Is it correct to assume that the principle articulated by Bylaw 3.12.3.4 (d) pertains only to that nominations process that is the responsibility of the Committee for Convention Nominations and does not apply to regional elections?

Opinion: Yes.

Question 8: Given the relatively quiet nature of board service, especially on mission boards, whose members may escape public notice but whose six years of experience may be regarded as valuable and a consideration for reelection, to what extent, if any, may incumbency be made known in the regional nominating ballot process?

Opinion: There is no basis for making incumbency known in the “regional nominating ballot process.” Bylaw 3.12.4.1 requires that in all elections, all names shall be listed “without any distinctive mark, except where regional representation is a preference or requirement of the Synod.” The same principle applies in the nomination process, to avoid giving anyone an unfair advantage over others who may be nominated. At the same time, the fact of incumbency may be helpful to know, especially since incumbents are not automatically nominated by reason of their incumbency in the regional nominations process. It may therefore be noted in explanatory material accompanying nominating ballots that incumbency information is available via the Internet or *Lutheran Annual*, or by direct inquiry to the boards having regional positions open for nomination and subsequent election.

119. Board for International Mission Policy Review (15-2769)

With a June 8, 2015 email, the Chief Mission Officer of the Synod submitted the Board for International Mission policy, “Operative Directives for Implementing LCMS Bylaw 3.8.3 (Referencing CCM Opinion 14-2724),” for review by the commission, stating: “The BIM, in adopting this new policy at its regular quarterly meeting on May 31, 2015, wanted to express

- a sincere desire to work with congregations and districts under existing agreed-to bylaws to effect an orderly coordination and timely purposeful calling of LCMS-rostered church workers serving in foreign mission areas of the Synod; and
- an equally sincere desire to avoid the quenching of the work of the Holy Spirit.”

After review, the commission approved the policy document as being in agreement with the Constitution, Bylaws, and resolutions of the Synod, offering a single suggestion for clarity:

- Second bullet in the “Applicable Definitions” section: The commission suggests that the words “All areas outside the fifty states...” would better read: “~~All areas~~ Areas outside the fifty states...,” which would sound less sweeping and better suit the mention of “[e]ach foreign mission area...” in Synod Bylaw 3.1.4.3.

120. Michigan District Board of Directors Policy Manual Review (15-2770)

In early June the commission received an electronic copy of the Michigan District Board of Directors Policy Manual for review. Upon review, the commission recognized the need to ask the district board to give further attention to the manual, specifically its delegation of so many of its responsibilities to the district president. The commission noted that such delegation has resulted in the board no longer meeting the Synod's expectations for district boards of directors (Synod Bylaws 4.1.1.1, 4.1.1.2; Constitution Art. XI E; Bylaws 4.5.1; *et al.*) and has altered the office of district president to an office other than described in the Synod's *Handbook* as one primarily of ecclesiastical supervision (Constitution Art. XII 6–9; Bylaw section 4.4, *et al.*).

In addition, the commission asks that the district board of directors give particular attention to its statement of its primary responsibility in policy section 1.6 in light of Constitution Art. XI E and bylaws such as Synod Bylaw 4.5.1, including its use of the term “steward,” mindful that the Michigan District is the Synod itself in the State of Michigan (Bylaw 4.1.1.1) and its policies must mirror the provisions for boards of directors in the Synod's *Handbook*. The commission therefore encourages further thought and attention to the aforementioned major components of the policy manual prior to re-submitting the manual for further review.

121. Follow-Up Questions re CCM Opinion 14-2724 (15-2771)

A pastor of the Synod, via a June 15, 2015 email, submitted “clarifying questions regarding CCM Opinion 14-2724 on Bylaw 3.8.3,” the questions apparently prompted by a frequently-asked-questions document provided by the Office of the President. As required by Bylaw 3.9.2.2 (b), the commission notified those officers and/or agencies of the Synod directly impacted by the request and provided opportunity for submission of information regarding the matter(s) at issue.

The commission noted that the questions as submitted reveal a need for clarification of the duties of the Synod's two foreign mission entities, the Board for International Mission (BIM) and the Office of International Mission (OIM):

- The BIM is primarily a policy-making agency charged with “developing and determining policies in support of mission and ministry in foreign countries” (Bylaw 3.8.3) and providing oversight of the implementation of those policies by the OIM (Bylaw 3.8.3.1). The BIM also serves as the Synod's agency “through which workers and funds are sent to the foreign mission areas of the Synod” (Bylaw 3.8.3).
- The OIM implements the policies provided by the BIM “for the coordination of and in support of ministries of the Synod in foreign countries” (Bylaw 3.8.3.1), including “placement and support of foreign missionaries” (Bylaw 3.8.3.3). It also receives direction from the President of the Synod through the Chief Mission Officer “on all aspects of its responsibilities” (Bylaw 3.8.3.4) and offers recommendations to the BIM for policies (Bylaw 3.8.3.3) that will assist “in support of mission and ministry in foreign countries” (Bylaw 3.8.3).

Question 1: The document that is commended publicly by the Office of the President for consideration and clarification regarding the opinion of the CCM 14-2724 states that said opinion does not address short-term mission trips. (1) Is this correct that the opinion does not address short-term mission trips? (2) How can the length of time (short-term vs. long-term) be a consideration when the bylaws do not address this difference? The Bylaws clearly state that the BIM is the only sending agency through which workers and funds are sent to foreign mission areas of the Synod. If the elected/appointed/hired people at the BIM are the only sending agency, how does the length of time make a difference? The BIM's own document regarding short-term missions clearly points out the horrible things that have and can happen if short-term missions are not done through the BIM. (3) What is the definition of a short-term mission as opposed to a long-term mission?

It is also noteworthy that the BIM in their document “LCMS Best Practices in Short-Term Mission” use[s] this bylaw to point [out] how it is “vital” that any LCMS person work through the BIM and be approved by those elected/appointed/hired individuals there. Vital is a very ambiguous word that could be used as either a good idea or mandatory. Nevertheless, this bylaw is used, at a minimum, by the BIM to show that this bylaw does apply to short-term missions in some regards. Thus, there is at least some confusion as to what is encompassed by the terms “only sending agency.”

Opinion: “Foreign missions” is a jurisdiction that the Synod has reserved for itself (Bylaw 4.1.5), and congregations and church workers by their membership in the Synod have agreed to honor this jurisdiction. Bylaw 3.8.3 then specifically addresses formal mission activity by the Synod, naming the BIM as the sending agency solely responsible for “the calling, appointing, assigning, withdrawing, and releasing of missionaries...for the ministries in foreign areas.” But it has also become necessary to distinguish between missionary efforts involving such official actions as listed in Bylaw 3.8.3 and other more spontaneous and short-term mission activity that takes place in support of ministries of the Synod in foreign countries (Bylaw 3.8.3.1), often within the jurisdictions of partner churches. The best-practices document, called for by the 2013 convention, invites and facilitates such short-term mission and ministry activity, thereby also fostering the good order clearly intended by the Synod with the adoption of Bylaws 3.8.3–3.8.3.6.

Therefore, in answer to the specific questions asked under Question 1: (1) Opinion 14-2724 did not directly address short-term mission trips, instead zeroing in on formal mission efforts that involve calls or contracts. The Synod itself, in keeping with its foreign missions jurisdiction, has addressed matters related to short-term mission efforts by requiring the creation of the short-term missions document [2013 Res. 1-08 “To Work Together in Mission,” *Proceedings*, p. 103]. Hence, (2) the Synod itself has already made this distinction between short- and long-term mission efforts, (3) the definition of “short-term mission” necessarily becoming mission activity other than what is specifically addressed by Bylaw 3.8.3. Districts and congregations engaged in mission projects are therefore encouraged to communicate their international mission activities to appropriate Synod entities “for the purposes of healthy coordination and good stewardship” (2013 Res. 1-08).

Question 2: As this bylaw states that the BIM is the only sending agency to foreign mission areas, and the opinion of the CCM seems to be directed primarily towards the districts and congregations that form up the Synod, does this apply to all agencies and their elected/appointed/hired workers? Thus the point, is it necessary for the seminaries, colleges, and all agencies to work solely through the BIM for sending professors and workers around the world if said country is a designated foreign mission field?

Opinion: CCM Opinion 14-2724 responded to specific questions pertaining to districts, congregations, auxiliaries, and recognized service organizations. The Synod’s seminaries, colleges, and other agencies must also comply with the requirements and expectations of Synod Bylaw 3.8.3 and 2013 Res. 1-08 and related policies provided by the BIM.

Question 3: In the interpretation of the opinion that is commended by the Office of the President, a hyperlink is given to know what those foreign areas are. It is a map of every place to which any funds have gone, any agreement is in place, any missionary is working, or there is anything taking place. Is the definition of a foreign area any country in which there is contact? Thus, if the BIM has given a grant for Bibles to be sent to China, does that mean that work among the over 1 billion in China is off limits except through the BIM?

Opinion: Coordination and cooperation are essential for good order, especially for such a widespread and varied activity as foreign missions. Designation of foreign mission areas is not intended to curtail interest or activity.

Bylaw 3.1.4.3 assumes the existence of foreign mission areas and suggests that they are a concept that is more general than specific. It remains for Board for International Mission and the Office of International Mission, under the guidance of the Chief Mission Officer who is under the direction of the President of the Synod, to demarcate such foreign mission areas “in support of mission and ministry in foreign countries” (Bylaw 3.8.3). The Office of International Mission should be contacted if there is interest in conducting or participating in mission activity in a foreign area.

122. Eastern District Camp Pioneer Articles of Incorporation Amendment Review (15-2772)

The Eastern District Board of Directors, with a July 8, 2015 email, asked the Commission on Constitutional Matters to review a single paragraph amending the Certificate of Incorporation of Pioneer Camp and Retreat Center, Inc. After review, the commission gave its approval to the amendment.

123. Proposed Concordia Plan Services Documents Approval (15-2773)

The day prior to the commission meeting, Concordia Plan Services submitted Articles of Incorporation and Bylaws documents for a new ancillary program agency corporation it is proposing to the LCMS Board of Directors. The commission reviewed and approved the documents, finding no conflict with the Constitution, Bylaws, and resolutions of the Synod with one exception. While the bylaws document contains a paragraph governing disposition of assets should the proposed agency go out of existence, it does not quote verbatim the required language of 2004 Res. 4-11. Therefore, the proposed wording will require specific approval by the LCMS Board of Directors.

124. Adjournment

Its business to come before the meeting having been attended to, the meeting was closed with prayer. The commission will next meet September 18–19, 2015.

Raymond L. Hartwig, Secretary