## To Rescind LCMS 2004 Resolution 7-02A

Whereas, the 2004 LCMS Convention passed Resolution 7-02A, "To Amend Synodical Articles of Incorporation and Bylaws Regarding Officer and Board Responsibilities." The rationale for this resolution was that changing the LCMS constitution and bylaws would resolve the impasse between the LCMS Board of Directors and the Commission on Constitutional Matters(CCM) concerning each group's particular interpretation of LCMS bylaws 3.905d and 3.183D2. The CCM had rendered several opinions (02-2259, 03-2357, 03-2358, 03-2359, 03-2365, and 02-2296, 02-2309, 02-2320) which the LCMS Board of Directors had declared to be "of no effect," because they stated that "the CCM exceeded its authority and acted contrary to the Constitution, Bylaws, and resolutions of the Synod." 2004 Resolution 7-02A stated, "...the convention overrules the resolutions of the Board of Directors referenced in Appendix A of the President's special report found on pages 24-26 of *Today's Business* and declares that they are of no effect." It also stated, "It{*my note: LCMS Board of Directors*} shall have the right to call up for review and criticism, and to request modification or revocation of, any action or policy of a program board, commission, or council, *except opinions of the Commission on Constitutional Matters.*" (emphasis mine); and

Whereas, **the most important problem** with 2004 Resolution 7-02A is that the Word of God does not remain the only rule and norm of faith and practice in the LC-MS(Article II of LCMS Constitution). Instead, the opinions of the Commission on Constitutional Matters(CCM) are also a rule and norm of faith and life in the LC-MS. Even more than that, they are the final authority, unless overruled by a Synodical Convention; and

Whereas, here are some examples in which human councils(CCM opinions) in the LC-MS presently do overrule the Word of God:

1. "The Constitution and Bylaws of the Synod do not allow or contemplate the expulsion of a member of the Synod on the basis of an action taken with the full knowledge and approval of the appropriate ecclesiastical supervisor" (02-2296; 02-2320).

"Having promised supervision and counsel, the Synod is precluded from taking any
action to terminate the membership of its member who, when performing his/her official
duties, follows the advice and counsel of the ecclesiastical supervisor designated by the
Synod" (02-2309).

3. "If an act is in fact contrary to Article XIII of the Constitution, the member who acted cannot be charged since he or she acted according to the advice of his or her ecclesiastical supervisor" (02-2309); and

 Whereas, if a member of the Synod were to act contrary to Article XIII, but with the approval of his or her ecclesiastical supervisor, these CCM opinions would prevent a member of the Synod from being called to account publicly for his or her act, should that become necessary; and

Whereas, the Board of Directors have given other non-Scriptural reasons for allowing not allowing the opinions of the CCM to stand lest there be legal and financial consequences to the Synod. Those issues can be found in other places; therefore be it

Resolved, that the Lutheran Church-Missouri Synod, gathered in convention, **rescind the 2004 LCMS convention Res. 7-02A**(To Amend Synodical Articles of Incorporation and Bylaws

48 Regarding Officer and Board Responsibilities).
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50 Approved on Sunday, January 28, 2007
51 Trinity Lutheran Church
52 1000 North Park Avenue
53 Herrin, IL 62948
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