

**Regarding
The Commission on Constitutional Matters
The Lutheran Church—Missouri Synod**

Some CCM Opinions of Note

Compiled by Pastor Tim Pauls

1. A member of the Synod may not be charged with false doctrine or errant practice if he had permission from his ecclesiastical supervisor (District President or the President of Synod).

“It would be inconsistent with the above constitutional provisions to place the membership of an individual or congregation at risk where that member relies on the ecclesiastical supervision and counsel of the person called and chosen for that role or function. If an act is in fact contrary to Article XIII [Expulsion from the Synod] 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. It should be noted, however, that when a ecclesiastical supervisor discovers error in his counsel, it is incumbent upon that supervisor to correct or amend it. The member should then be held to consider the corrected counsel. Failure to consider such amended admonition could form the basis for disciplinary action as provided in Article XIII.” (Opinion 02-2309)

“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. For a thorough treatment of this issue, see Opinion 02-2309.” (Opinion 02-2296; 02-2320)

2. The President of the Synod may only be held accountable for his doctrine and practice by the convention over which he presides.

“This interpretation also answers the concern expressed in the Commission’s 1998 opinion that the synodical President might be harassed and hampered in carrying out his duties by constant scrutiny of his actions through complaints made to the Missouri District President. This interpretation does not make the synodical President a law unto himself, exempt from accountability for his actions. According to the 1992 opinion, there is a mechanism for the Synod in convention to exercise authority over the synodical President.” (Opinion 01-2240)

3. Although an amendment to the LCMS constitution failed to receive the required 2/3 vote in favor by responding congregations, the CCM ruled that it would implement the effect of the amendment anyway.

“Question: If proposed Constitutional Amendment A entitled "To Amend Constitution Regarding Officer and Board Responsibilities" as set forth in Resolution 7-21 of the 2004 convention of the Synod is not passed by a 2/3 majority vote, will the implementation or validity of any other resolutions or changes to the bylaws passed at the 2004 convention be affected?

“Opinion: It is the opinion of the Commission on Constitutional Matters that the proposed amendment to Article XI F 2 states more clearly what the existing language already means. Any amendment to the Bylaws which is consistent with the former Article XI F 2 would similarly be consistent with proposed Article XI F 2. As such, the answer to the question presented is that if the

proposed Constitutional Amendment A entitled "To Amend Constitution Regarding Officer and Board Responsibilities" as set forth in Resolution 7-21 of the 2004 convention of the Synod is not passed by a two-thirds majority vote, it would not effect the implementation or validity of any other resolutions or changes to the bylaws passed at the 2004 convention." (04-2409)

4. The Board of Directors, elected by the Synod in convention, is subordinate to the Commission on Constitutional Matters, which is appointed by the President of the Synod.

This is the effect of the implementation of Amendment A (04-2409 above), which was defeated by the congregations of the Synod, but nevertheless was implemented by the CCM.

5. A congregation which submits a previously-accepted constitution for revision will be required to change the doctrine and practice of its constitution to meet the present confessional stance of the Synod.

“Given these prior statements of the Commission, not only should the complete documents of a congregation come under review when amendments are made, but any provision previously approved that is not in agreement with the doctrine and practice of the Synod today should be given attention by a constitution committee.” (Opinion 05-2424, underline added)

6. Although financial support is not listed as condition of membership in the LCMS constitution, members of Synod who discourage financial support of the Synod face admonition and potential removal from membership. Financial support is a matter of the “essential unity” of the Synod.

“Accordingly, in response to the current question, a member of the Synod or any groups within the Synod that advocate the withholding of funds from the Synod are subject to admonition for activities that militate against the essential unity intended by the structure of the Synod as provided in its Constitution and Bylaws.” (05-2443)

7. The current position of the Synod includes, among other things, the advocating of women as elders and congregational chairmen (LCMS Convention Resolution 2004-3-08A, passed by a margin of 52%-48%), and the protection of anyone from discipline if they have permission from their ecclesiastical supervisor (CCM Opinions 02-2296 and 02-2320, above). Anyone who disagrees with these positions may not say so publicly—because whether or not such positions are Scriptural, they are “contrary to the position of Synod”...even if 48% of the Synod disagrees, or the opinion has been reached by a five-member commission.

“Accordingly, it is not in harmony with the Constitution and Bylaws of the Synod for any member of the Synod or any groups within the Synod to teach publicly, publicly advocate, or promote any position contrary to the position of the Synod. Dissent activities are to be governed by section 1.8 of the Bylaws of the Synod to which members have ‘commit[ted] themselves to act in accordance with’ and ‘under which they have agreed to live and work together’ (Bylaw 1.3.4).” (05-2443)