

## MINUTES

### COMMISSION ON CONSTITUTIONAL MATTERS August 29–30, 2009

#### **111. Call to Order and Opening Prayer**

Chairman Albert Marcis called the meeting to order and called on Gordon Tresch for an opening devotion. Upon review of the agenda for the meeting, it was noted that 08-2526 should have been retained on the agenda due to the recent receipt of additional documents for review.

A motion “to move into executive session to discuss issues related to Board of Directors actions” was introduced and carried.

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#### **111X. Executive Session**

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#### **112. Review of Blue Ribbon Task Force on Synod Structure and Governance Constitution and Bylaw Proposals**

A large portion of the meeting was used to review proposed constitution and bylaws changes of the Blue Ribbon Task Force on Synod Structure and Governance, the commission having determined this to be a priority for its meeting. As a result of the discussion, the Secretary was asked to prepare a draft of the proposed constitution and bylaw changes reflecting the commission’s recommendations, to be reviewed by the commission during a conference call within the next week, to then be presented to the task force in time for its final meeting, September 23–25, 2009.

#### **113. Binding Force Resolutions (08-2542)**

Referencing CCM Opinion 08-2524, which referred to 2004 Res. 3-05A, “To Affirm Marriage as Union of One Man and One Woman,” a pastor of the Synod in a letter dated December 30, 2008, asked the commission whether other resolutions in the same category were equally binding with similar attending disciplinary action.

Question: I would appreciate your opinion on other convention resolutions and whether they are to be considered in the same category, *i.e.*, equally binding; in addition, I request that your opinion include similar disciplinary action as given in 08-2524, as well as directions for district presidents (and circuit counselors) in monitoring and supervising parish pastors and other rostered ministers and minimum standards for doing so, with attending disciplinary action for district presidents who do not follow such direction.

Opinion: Opinion 08-2524 is not only applicable to the matter of 2004 convention resolution 3-05A but to all resolutions, as already stated in the bylaw quotations included in the opinion:

Under the assumption that 2004 Res. 3-05A is in accordance with the Word of God, the Synod expects every member congregation of the Synod to respect the resolution and consider it of binding force (Cf. Bylaw 1.7.2). Bylaw 1.6.2 states, “Such resolutions come into being in the same manner as any other resolutions of a convention of the Synod and

are to be honored and upheld until such time as the Synod amends or repeals them” (emphasis added; cf. also Bylaw 1.8.1). Bylaw 1.7.1 further states, “The Constitution, Bylaws, and all other rules and regulations of the Synod apply to all congregational and individual members of the Synod.”

Opinion 08-2524 also referenced 1971 Res. 2-21 which confirmed the binding nature of such resolutions. In addition to the pertinent quotes from the 1971 resolution in the above opinion, the convention resolution also stated, “Meanwhile every member of the synod is held to abide by, act, and teach in accordance with the Synod’s resolutions....the Synod has repeatedly declared that all members should ‘honor and uphold’ its resolutions (cf.: 1962, 3-17; 1965, 2-08; 1967, 2-04; 1969, 2-27)....To ‘honor and uphold’ means not merely to examine and study them, but to support, act, and teach in accordance with them until they have been shown to be contrary to God’s Word” (1971 *Convention Proceedings*, p. 119).

Ecclesiastical supervision by the President of the Synod or by the district presidents, including any needed disciplinary measures, as indicated in the CCM opinion (08-2524), is not limited to 2004 Res. 3-05A: “Resolution 3-05A, together with all of the resolutions of the Synod, has implications for ecclesiastical supervision” (emphasis added). The provisions for such ecclesiastical supervision (Bylaw 1.2.1 [g]) are set forth in Articles XI, XII, and XIII of the Constitution as well as in the Bylaws of the Synod, including but not limited to Bylaw section 2.1; Bylaws 2.14.1 and 3.3.1–3.3.1.3, and Bylaw section 4.4 (Synod *Handbook*, pp. 50, 62–62, 101–104, and 189–191).

Any district president who fails to carry out his responsibility of ecclesiastical supervision is subject to the measures of Constitution Art. XI B and Bylaw sections 1.10 and 2.15 (*Handbook*, pp. 15–16, 37ff., and 71ff.).

#### **114. Other Matters**

Other matters discussed during the meeting:


- Provision of guidelines for the convention floor committee that is assigned those overtures intended to overrule CCM opinions
- 2007 Overtures 3-93 and 3-94 re 2001 Res. 3-07A, referred to the commission by omnibus resolution
- Reconsideration of CCM Opinion 99-2157 upon referral of 2007 Overture 8-44 by omnibus resolution

Materials to facilitate further discussion will be provided by members of the commission prior to its October meeting.

The commission also planned for its members to attend one of the Blue Ribbon Task Force Regional Gatherings scheduled between December 4 and February 20. Travel cost will be a CCM budget expense.

#### **115. Future Meetings**

The commission agreed to a special September 3, 10:00 a.m. CDT conference call meeting to review its recommendations to the Blue Ribbon Task Force on Synod Structure and Governance. The next regular meeting of the commission will be October 31–November 1 in St. Louis.

  
Raymond L. Hartwig, Secretary