

MINUTES

COMMISSION ON CONSTITUTIONAL MATTERS

February 10–12, 2012

St. Louis Crowne Plaza Airport Hotel

89. Call to Order, Opening Devotion, and Review of Agenda

Chairman Wilbert Sohns called the meeting to order, called on George Gude for the first of his three daily opening devotions based on the lessons for the Sixth Sunday after the Epiphany. Chairman Sohns provided an overview of the agenda for the meeting.

90. Oklahoma District Bylaws Final Review (08-2536B)

The commission reviewed the changes made by the district committee in response to the most recent commission review of the district's Bylaws, instructing the secretary of the commission to express its appreciation for the district's cooperation throughout the review process. The commission called the district's attention to two remaining details to be addressed:

- Article IV, paragraph 3: The commission recommends (when the election of the regional members of the board of directors is being described) that the actions on the regional level to "elect" the board members would better read "select," thereby reserving use of the term "elect" for the end of the process when the district convention ratifies the selections made by the regions, which ratification constitutes "election."
- Appendix E, "9 Months Prior" paragraph: The change recommended by the commission to replace "election process" with "nominations process" apparently was overlooked and should be made.

91. Interpretation of Constitution Art. VI 2 b (11-2598)

In a letter addressed to the Commission on Constitutional Matters dated July 11, 2011, a pastor of the Synod submitted four questions requiring an interpretation of Synod Constitution Art. VI 2 b and relevant Synod bylaws (such as Bylaw 2.14.1) with respect to ecclesiastical supervision.

The letter included the background of the February 12, 2010 opinion of the Commission on Theology and Church Relations (CTCR) entitled "Response to 'Request for CTCR Opinion Concerning Continued Eligibility of an Inactive Emeritus Member Under Article VI of the Constitution of The Lutheran Church—Missouri Synod.'"

A summary paragraph of the CTCR opinion stated:

It is the opinion of the CTCR that the meaning of the phrase "taking part in" within the context of Article VI 2 b is a matter of interpretation based upon the original intent of our Synod's fathers when they drafted the Constitution. Its potential theological meanings are varied, as noted above. Its particular usage in the context of the Constitution of The Lutheran Church—Missouri Synod is a question, therefore, that can be rightly decided only by those who are charged with the responsibility for such interpretation, the Commission on Constitutional Matters.

The four questions were submitted to the Commission on Constitutional Matters in view of the CTCR opinion (the full February 12, 2010 opinion is available on the Commission on Constitutional Matters Web page: <http://www.lcms.org/ccm/>).

Upon request of the commission, a portion of the first day of the commission meeting was devoted to a conversation with Dr. Joel Lehenbauer, Executive Director of the Commission on Theology and Church Relations (CTCR), regarding his commission's February 12, 2010 opinion and a more recent September 8, 2011 related opinion, "CTCR Response to Request from Rocky Mountain District President." Also discussed were a paper entitled "Historical Background and Interpretation of Article VI.2 of the Constitution of The Lutheran Church—Missouri Synod" by Dr. Gerhard Bode of the St. Louis seminary and other related documents and former Commission on Constitutional Matters opinions.

Question 1: Is reception of the Lord's Supper in an unofficial and private capacity considered "[t]aking part in the services and sacramental rites" of a congregation, as that phrase is used in Article VI, section 2 b of the Constitution?

Opinion: No, reception of the Lord's Supper, by itself, does not constitute "[t]aking part in the services and sacramental rites" of a congregation, as that phrase is used in Article VI, paragraph 2 b of the Constitution. In so answering, it is assumed that the intention of this question is the same question that was asked of the CTCR: "Is reception of the Lord's Supper '[t]aking part in the services and sacramental rites' of a congregation, as that phrase is used in Article VI Section 2 b of the Constitution?"

This opinion is not based on whether reception of the Lord's Supper occurs "in an unofficial and private capacity," as that distinction is not found in the Constitution. The decision is also not based on whether the individual members of the Synod (ordained ministers and commissioned ministers) are active or inactive, as the constitutional requirements of membership are the same for both categories of members. Instead, this opinion is based on the constitutional "[c]onditions for acquiring and holding membership in the Synod." And as indicated in the CTCR opinion, it is a matter of the interpretation of the phrase "'taking part in' within the context of Article VI 2 b...."

The immediate context of "[t]aking part in the services and sacramental rites" is Article VI 1 and 2 as follows:

Article VI Conditions of Membership

Conditions for acquiring and holding membership in the Synod are the following:

1. Acceptance of the confessional basis of Article II.
2. Renunciation of unionism and syncretism of every description, such as:
 - a. Serving congregations of mixed confession, as such, by ministers of the church;
 - b. Taking part in the services and sacramental rites of heterodox congregations or of congregations of mixed confession;
 - c. Participating in heterodox tract and missionary activities.

The last two words of paragraph 2, "Renunciation of unionism and syncretism of every description, such as" [emphasis added] indicate that what follows in the three subparagraphs of paragraph 2 are examples of that which is prohibited in the opening sentence of paragraph 2. Subparagraph b prohibits a member of the Synod from taking part in the services and sacramental rites of heterodox congregations or of congregations of mixed confession.

Historically, "[t]aking part in the services and sacramental rites of heterodox congregations or of congregations of mixed confession" (Art. VI 2 b [emphasis added]) is consistent with and linked to subparagraphs "a" and "c." Subparagraph "a" is the example of serving as the called pastor administering Word and Sacraments. Subparagraph "c" is an example of the activities of administering the Word

through publishing and distributing tracts (pamphlets, written or printed materials, etc.) and the administration of the Word and Sacraments in mission work. (These are public acts of the congregation and/or its pastor.)

Similarly, subparagraph “b” is an example of activities in administering the Word and Sacraments—thus being a co-administrant, co-officiant, celebrant, or worship leader in some capacity in the administering of the Divine Service, conducting either the liturgy of the Word or of Holy Communion. This includes the official sponsorship or involvement of congregations as such, in worship “services and sacramental rites of heterodox congregations or of congregations of mixed confession” (Art. VI 2 b). Leading or sponsoring such services with those not in church fellowship with the LCMS violates the Synod’s biblical and confessional commitments. “[T]he mixing of churches and of faiths” is to be “renounced[d],” “give[n] up,” or “withdraw[n]” from.¹

Context and Historical Background

For interpreting and understanding Article VI 2 b, appropriate attention was given to the context, its historical background, and the original intent of the Synod’s fathers when they drafted the Constitution. The source of Article VI 2 is the original 1847 founding constitution of the Missouri Synod. The founders adopted a constitution containing a series of conditions of membership which has been maintained with few changes to the present day. In its historical context, Article VI 2 addressed concerns regarding the “mixing of churches” (now described as altar and pulpit fellowship with those with whom we are in doctrinal disagreement [mixing of faiths]), fellowship involving LCMS and non-LCMS congregations, and the leadership of heterodox congregations by an LCMS pastor. Former LCMS President J.A.O. Preus, in his 1981 report to the Synod convention, acknowledged as much when he stated

We also have a whole series of overtures dealing in one way or another with the subject of interchurch relations and unionism and separatism. I have been in the ministry for over 35 years and have been involved in discussions of unionism and related matters for all of these years. I have hoped that during my years in office some greater clarity could be developed among us as to what really is unionism and what must be dealt with in a disciplinary way, as over against things that might appear to some to be a compromise of the Word of God but to others are not such at all and no intent at compromise is intended. I hope that the Synod will try to develop rubrics and guidelines for a church of 3 million members in the 1980s and 1990s, rather than always relying on definitions which are a century old, which deal basically with a European situation and are not particularly helpful for our modern time. I believe our fathers were eminently sincere and totally correct in what they did, but I think we have to rethink our own position on these matters so as to make their position our own or so as to make their position something that is workable and feasible and acceptable in our own midst. We can all agree that we want to avoid a total separatism on the one hand and a wild irresponsible ecumenism on the other. The difficulty is to find a middle path which will avoid both of these extremes and which can work in all situations in our church.²

Question 2: If the answer to question 1 is yes, then: Is the reception of the Lord’s Supper by a member of the Synod in an unofficial and private capacity, with a congregation that is a member of a church body that is not in church fellowship with The Lutheran Church—Missouri Synod (*i.e.*, the ELCA), a failure of the membership requirement of “[r]enunciation of unionism and syncretism of every description” as that phrase is used in Article VI, section 2 of the Constitution?

¹ In studying this issue and in preparation for this opinion, the commission requested that Dr. Gerhard Bode, historian and professor at Concordia Seminary, St. Louis, prepare a research study paper on the issue. Dr. Bode’s study, “Historical Background and Interpretation of Article VI 2 of the Constitution of The Lutheran Church—Missouri Synod,” was received by the commission in January 2012 and is available on the commission’s Web page: <http://www.lcms.org/ccm/>.

² Dr. Jacob A. O. Preus, “President’s Address,” 1981 LCMS *Convention Proceedings*, pp. 65–66.

Opinion: While the answer to question 1 is no, see the full answer to question 1, which recognizes that Article VI 2 b does not address the issue of an individual member attending a service of worship or receiving Holy Communion. Rather, Article VI 2 a, b, and c addresses “mixing of churches” (now described as altar and pulpit fellowship with those with whom we are in doctrinal disagreement [mixing of faiths]), fellowship involving LCMS and non-LCMS congregations, and the leadership of heterodox congregations by an LCMS pastor. The commission recognizes that the examples given in subparagraphs a, b, and c of Article VI 2 do not provide an exhaustive list of every example that might violate the condition of membership that calls for the “renunciation of unionism and syncretism of every description.”

Question 3: Is it proper for a district president to restrict or suspend a retired pastor’s (emeritus) ministry in the LCMS...for communing in a church not in fellowship with the LCMS? [Question has been abbreviated in order to focus on the substance of the question.]

Question 4: If the answer to question 3 is yes, then: Is it proper for any district president or other elected officers of the Synod and its districts to provide for monitoring and disciplining members of the Synod [for]...attending worship, communion, a wedding, and/or a funeral in a non-LCMS church? [Question has been abbreviated in order to focus on the substance of the question.]

Opinion: Because of the nature and relationship of the two questions, the commission hereby answers the questions together. The constitutional requirements for maintaining membership are the same for all members, whether active or emeritus. While the Constitution and Bylaws of the Synod do not make explicit use of the terminology “monitoring and disciplining members of the Synod,” the responsibility for ecclesiastical supervision is clear in the Constitution and Bylaws. The following bylaw and constitutional provisions apply whether or not an individual member of the synod is active or inactive (including “emeritus”).

Bylaw 2.13.2 states: “An individual member of the Synod may be placed on restricted status by the district president who has ecclesiastical supervision of the member.” Bylaw 2.13.2.1 (a) states: “The district president may take this action if information with respect to such member provides a substantial basis to conclude that such member (a) has engaged in conduct which could lead to expulsion from the Synod under Article XIII of the Constitution....”

Bylaw 2.13.4 states: “When formal proceedings have been commenced against a member of the Synod (individual and congregation) under the procedures set forth in Bylaw sections 2.14–2.17 which may lead to expulsion from the Synod under Article XIII of the Constitution, the member shall have suspended status. If such member was on restricted status at the commencement of formal proceedings, the restricted status shall become suspended status.” Bylaw 2.13.4.1 states: “Suspended status shall continue until the formal proceedings are completed favorably to the member or until membership is duly terminated.”

Bylaws 2.14.1 and 2.14.1 (a) also apply in answering these questions:

- 2.14.1 Termination of membership in the Synod is a serious matter involving both the doctrine and life of those to whom it has been granted. Such action should only be taken as a final step when it is clear that those who are being terminated after previous futile admonition have acted contrary to the confession laid down in Article II or the conditions of membership laid down in Article VI or have persisted in offensive conduct (Constitution, Art. XIII 1). For this reason, the Synod establishes procedures for such action, including the identification of those who are responsible for ecclesiastical supervision of its

members. Such supervision includes not only suspension or termination of membership but also advice, counsel, encouragement, and, when necessary, admonition regarding teaching and/or practice. Furthermore, the procedures that may lead to termination of membership also provide for the protection of members by including provisions for challenging the decisions of ecclesiastical supervisors in these matters as well as provisions for restoration of membership that has been suspended or terminated.

- (a) Although the Constitution (see Art. VI 3 and Art. XII 7 – 8) deals with the “life” of ordained and commissioned ministers of the Synod and provides for dealing with “ungodly life” of ordained and commissioned ministers, this does not suggest that the Synod, including any district of the Synod, has the duty or even an opportunity to observe the activities in the life of an individual member of the Synod or has the means or authority to regulate, restrict, or control those activities. The only remedy available to the Synod in response to improper activities in the life of such a member of the Synod is, as is true with respect to violations of other conditions of membership or is otherwise appropriate under the Constitution or the Bylaws, and following the procedures set forth in these Bylaws, to take such action as may lead to termination of that membership and the attendant rights and privileges.³

Article XIII of the Constitution provides the constitutional basis for the above bylaws:

Article XIII Expulsion from the Synod

1. Members who act contrary to the confession laid down in Article II and to the conditions of membership laid down in Article VI or persist in an offensive conduct shall, after previous futile admonition, be expelled from the Synod.
2. Expulsion shall be executed only after following such procedure as shall be set forth in the Bylaws of the Synod.
3. If the member expelled is a pastor or teacher in a congregation of the Synod, such congregation, unless it has already done so, is held to depose him from office and to deal with him in accordance with the Word of God, notwithstanding an appeal. If it persistently refuses to do so, the respective district is to deal with it. If all negotiations and admonitions fail of their purpose, such congregation forfeits its membership in the Synod.
4. Because of their expulsion, those so expelled forfeit their membership and all share in the property of the Synod. The latter holds good also with respect to those who for any reason themselves sever their connection with the Synod.

In Article XII of the Constitution, the district president is given ecclesiastical authority in the Constitution of the Synod: “The district president shall, moreover, especially exercise supervision over the doctrine, life, and administration of office of the ordained and commissioned ministers of their district....” (Art. XII 7). “District presidents are empowered to suspend from membership ordained and commissioned ministers for persistently adhering to false doctrine or for having given offense by an ungodly life, in accordance with such procedure as shall be set forth in the Bylaws of the Synod” (Art. XII 8).

Any “discipline” by a district president (ecclesiastical supervisor) must be in compliance with the Constitution and Bylaws of the Synod (cf. the above constitution and bylaw citations). For instance, ecclesiastical supervision is exercised not by the individual interpretation of the ecclesiastical supervisor, not by public opinion, and not by individuals or groups within or outside of the Synod, but by the collective will of the congregations of the Synod in convention. This holds true in administering the supervisory and disciplinary provisions of the Bylaws in carrying out Article XIII of the Constitution.

³ With respect to “improper activities,” it is important to note that all are sinful and engage in improper activities and that not all sinful conduct, and certainly not all conduct which may be deemed improper even if not sinful, can form the basis for expulsion from the Synod. The primary remedy is the power of God’s Word in convincing, persuading, advising, and admonishing (cf. “futile admonition,” Constitution, Art. XIII).

Ecclesiastical supervision in The Lutheran Church—Missouri Synod is not determined by “contemporary situations,” “gut feelings,” “individual” judgment, personal opinion, or personal conscience, but by the collective will, judgment, and conscience of the Synod, a human organization, as stated in its Constitution, Bylaws, and resolutions. Such provisions in the Synod’s Constitution and Bylaws provide not only “evangelical supervision” (Art. III 8), but also “protection for congregations, pastors, teachers, and other church workers...” (Art. III 9). The Synod’s Constitution and Bylaws provide not only for the membership requirement of “[a]cceptance of the confessional basis of Article II” (Art. VI 1), but also for the freedom to participate in doctrinal discussions, brotherly dissent, dispute resolution, and determining theological positions and practices.

The Synod’s covenant provides for a healthy balance of honoring and upholding the Synod’s position while having the right to discuss issues freely and disagree with the Synod’s position or each other in Christian love and respect, without suspicion, slander, and violating the Eighth Commandment and without legalism, condemnation, dissension, and politicizing the matter. The ecclesiastical supervisor has the ministry opportunity and responsibility to assist, to support, to facilitate, to lead, and to give advice in the balance of these two tensions in an evangelical manner.

In conclusion, “In accordance with the confessional nature of participation in the Lord’s Supper (cf. pp. 19–23), and in agreement with Lutheranism’s historic position, it is inappropriate to attend the Lord’s Supper at non-Lutheran altars. Since participation in Holy Communion, scripturally and confessionally understood, entails agreement in the Gospel and all its articles, it would not be appropriate to attend the Lord’s Supper in a church with which such agreement is not shared [emphasis added]” (1983 CTCR Report, *Theology and Practice of the Lord’s Supper*, p. 25).

“What is said here about Lutherans in general (*i.e.*, members of Lutheran congregations) certainly applies also to Lutheran pastors (emeritus or otherwise), who by virtue of their office bear a special responsibility “to witness publicly and privately to the one and only Gospel set forth in the Holy Scriptures (see CCM response cited above [02-2278])” (February 12, 2010 CTCR Opinion).

However, a district president (ecclesiastical supervisor) cannot use constitutional Article VI 2 b as the cause for an action to expel (Article XIII) a member from the Synod for simply attending worship, Holy Communion, a wedding, and/or a funeral in a non-LCMS church.

In Res. 8-30B, the 2010 convention of the Synod resolved to study Article VI. Its second whereas paragraph indicated in part the urgency of this study: “WHEREAS, Concerns have been expressed throughout the history of the Synod, including recently, about the proper understanding and application of Article VI with respect to the conditions or requirements for acquiring and holding or retaining membership in the Synod.” These 2010 concerns of the convention echo the 1981 entreaties of President Preus to give this matter our attention. The commission urges the timely implementation of this convention resolution including its second-last resolve paragraph: “*Resolved*, That following the study, the Commission on Handbook, in consultation and concurrence with the Synod President, the Commission on Constitutional Matters and the Council of Presidents, submit a proposal to clarify and affirm or amend Article VI to the next convention of Synod.”

92. Concordia University System Bylaws Review (11-2602)

The commission deferred review of the Concordia University System Bylaws until it has obtained a copy of the Concordia University System Articles of Incorporation (as reviewed previously) to assist in the review of the Bylaws.

93. English District Bylaws Review (11-2613)

With an email dated August 29, 2011, the secretary of the English District submitted his district's proposed amended Bylaws in response to recommendations provided by the commission after an earlier review. The commission agreed to bring the following additional recommendations to the attention of the district secretary and board of directors for their attention prior to their submission of the proposed amended Bylaws to the convention.

- Preamble, first paragraph, final sentence: After the statement that the Constitution of the Synod is also the Constitution of the district, it should also be stated that "the Bylaws of the Synod are also primarily the Bylaws of the district."
- Preamble, second paragraph: Since this is intended to be a direct quote of Article III of the Synod's Constitution, care should be taken that it is quoted entirely accurately.
- Article I, paragraph B: The change proposed, which replaces the words "in harmony with" with "through" is hard to understand and appears to be an unnecessary change.
- Article II, paragraph B, et al.: It may be helpful when referencing the *Handbook* of the Synod to omit reference to the year of the *Handbook* (i.e., 2010) to avoid the need to revise the entire *Handbook* after every Synod convention.
- Article IV, paragraph A, subparagraph 4: Because the Bylaws of the Synod also serve primarily as the Bylaws of the district (Synod Bylaw 4.1.1.2), the deviation from Synod Bylaw 3.2.4.2 (a) by changing the interval between service from the Synod's three years to the proposed "two years" prompts the question whether this is an intentional departure from the Synod's bylaw. It is best to mirror the Synod's Bylaws when possible (see Synod Bylaw 4.1.1.2 [a]).
- Article V, paragraph A: The commission finds this stated board function (arranging for the official conferences of district professional church workers) ordinarily to be outside the business of a district board of directors, given that this is an ecclesiastical area and function. The commission recognizes that the English District may have reason for this but brings it to the district's attention.
- Article VII, paragraph S: This paragraph will require additional attention, since the stated provision requiring a two-thirds vote of the members of the board is not in harmony with Synod Bylaw 1.5.7.1 (c) (1).
- Article X, paragraph A: In addition to the Constitution, mention should also be made of the Bylaws of the Synod.

The commission expressed its appreciation to the secretary and board of directors of the district for their diligence and cooperation in working through this bylaw review and revision process. Due to its work load and press of time, the commission will review the district's operations manual and handbook at a later time.

94. Indiana District Articles of Incorporation and Bylaws Review (11-2619)

With an October 15, 2011 email, the secretary of the Indiana District submitted his district's Bylaws with proposed changes approved by the district board of directors for review approval by the commission prior to submission to the district convention. After careful review, the commission agreed to bring the following to the district's attention.

- Chapter I, Preamble: The commission suggests adding an appropriate opening paragraph as a true preamble, using content from Synod Bylaws 1.3.1–1.3.6.

- Bylaw 1.09, paragraph a: See Synod Bylaw 4.1.1.2 for wording that is more reflective of the Synod's intent in its bylaw.
- Bylaw 1.11, paragraph a: The final reference to the Synod's *Handbook* would be clearer if it read "Bylaws chapter 2." Regarding paragraph b, see Synod Bylaw 4.1.2 for wording that is more reflective of the Synod's intent with its bylaw.
- Bylaw 1.13: The parenthetical reference to several Synod bylaws should also include reference to Bylaw 1.7. Under paragraph a, the specific mention of "professors" in a listing of Synod member categories is unnecessary and confusing, since professors who are members of the Synod are already included under the Synod's listings of ministers of religion.
- Bylaw 2.13: The reference to *Robert's Rules of Order* should specify the most recent edition, since new editions are published periodically, the latest being the eleventh.
- Section 2 heading, "Circuit Forums": The parenthetical reference to the Synod's bylaws regarding circuit forums should list Bylaw section 5.3 rather than Bylaw 5.3.1.
- Bylaw 2.17: This bylaw will need to be reworded to distinguish between visitation circuit forums and electoral circuit forums as in Synod Bylaws 3.1.2, 5.3.1, and 5.3.3. In addition, it should be noted that both voting delegates (not only the lay delegate) serve for three years as advisory members (not voting members) of the circuit forum (Synod Bylaw 3.1.2.2). It should also be noted that the duties of visitation circuit forums include, as of the 2010 Synod convention, the selection of circuit counselors and the discussion and forwarding to district conventions of triennial Synod mission and ministry emphases suggestions.
- Bylaw 2.27: The district may want to make its paragraph more comprehensive by noting the additional functions for circuit convocations included in Synod Bylaw 5.4.2 or at least referencing the bylaw.
- Bylaws 2.29 and 2.31: References to "pastors" and "teachers" conferences should be changed to use the Synod's terminology "ordained" and "commissioned" in order to make clear that members on those rosters not specifically active pastors or classroom teachers are also to be included.
- Bylaw 2.35: The parenthetical reference to Synod Bylaws should also include Bylaw section 4.3. Under paragraph a, the wording should be changed to reflect Synod Bylaw 4.3.1, which speaks of the election of district officers "from the clergy roster of the Synod."
- Bylaw 2.43: The general provisions for boards, councils, and committees should also include mention of their responsibility to promote the triennial mission and ministry emphases of the Synod.
- Bylaw 2.67: There is no mention of tenure of the officers of the district other than the district president, which leaves the matter uncertain. Under paragraph c, because the Bylaws of the Synod are primarily the bylaws of its districts, it is advisable for the district to follow Synod Bylaw 3.2.4.2 (b) with regard to service for less than a full term. Under paragraph d, Synod Bylaw 1.10.10.1 no longer limits the service of reconcilers to two six-year terms.
- Bylaw 2.71, paragraph e: It should also be noted that the district president also reports to the President of the Synod.
- Bylaw 2.75, paragraph a: The title "Theologian" is not a Synod Bylaws designation and should be replaced with "Ecclesiastical Supervisor." Under paragraph c, item 6, the district president is also responsible for the roster of member congregations of the Synod in his district. The commission recommends, since this bylaw does not iterate all of the district president's duties, that reference be made to Synod Constitution Art. XII as well as Bylaw section 4.4.
- Bylaw 2.81, paragraph a: The nomination and election of Vice-presidents of the district cannot be limited to called pastors of congregations of the district but may be from the entire clergy roster (Bylaw 4.3.1). Accordingly, consent to serve must also include consent to relocate as necessary to fulfill the expectations of the office (Bylaw 4.3.3).

- Bylaw 2.91, paragraph b: As in Synod Bylaw 3.12.3.5 (a), the secretary of the district should not serve as an *ex officio* member of the Committee for Convention Nominations. Under paragraph c, the responsibility for signing official documents belongs primarily to the president of the district (Constitution, Art. XII 9 [d]).
- Bylaw 2.107: Mention should be made in the final sentence to the Bylaws of the Synod as well as its Constitution.
- Bylaw 2.109, paragraph h: The commission notes the mention of the district's Policy Manual and requests a copy for review (Synod Bylaw 3.9.2.2.3). Under paragraph k, this statement begs clarification regarding to whom "all workers" pertains.
- Bylaw 6.21: The Synod's Bylaws in this regard have the constitution committee reporting to the president of the district, who then takes approved documents to the district board of directors for approval (Synod Bylaw 2.4.1). Care should also be taken to reflect accurately the wording of Synod Bylaws 2.2.1 (b) and 2.4.1 (b) when speaking of what constitutes "in harmony with."
- Bylaw 6.27: The district Constitution Committee must obtain the approval of the Synod's Commission on Constitutional Matters prior to submission of bylaw amendments to the district convention.
- Bylaw 7.01: This bylaw must be corrected to speak of nominations from the entire clergy roster of the Synod. The commission notes an apparent absence of mention of nominations and elections for the offices of secretary and treasurer, as well as mention of the election of a member of the Synod's Committee for Convention Nominations.
- Bylaw 7.11, paragraph a: Nominations for district vice-presidents are to be open to the entire clergy roster of the Synod (Synod Bylaw 4.3.1), so long as there is a willingness to relocate and serve in the particular region if elected.
- Bylaw 7.37, paragraph j: Again, nominees for district officer positions are to be open to the entire clergy roster of the Synod (Synod Bylaw 4.3.1).
- Bylaw 8.01, paragraph b: Consideration of amendments to the Bylaws of the district must include review and approval by the Commission on Constitutional Matters prior to submission to the convention.

95. Iowa District East Articles of Incorporation and Bylaws Review (11-2621)

With a letter received November 7, 2011, the secretary of Iowa District East submitted the Articles of Incorporation and Bylaws of his district for approval prior to their submission to the district convention. After careful review, the commission responded with the following recommendations for additional changes to the district's Articles of Incorporation.

- Article II, 1: This paragraph should make clear that the members are those congregations within the boundaries established by the Synod.
- Article II, 2: This paragraph describes a function that is not a district function.
- Article V: This paragraph should include a statement asserting that amendments will be in accordance with the Constitution and Bylaws of the Synod. It must also include mention of the requirement that amendments must be reviewed and approved by the Synod's Commission on Constitutional Matters prior to submission to the convention for adoption.
- Article VII, second paragraph: Upon dissolution of the district, all assets after payment of liabilities and obligations should be transferred to the Synod.
- Article X: The reference to members should include reference to membership requirements of the Synod, as in Synod Bylaw sections 1.3, 1.7, 2.4, *et al.*

Upon review of the Bylaws of the district and proposed amendments, the commission offered the following recommendations, using for reference the bylaw numbers accompanying the proposed bylaw changes.

- Preamble: The district is advised to omit reference to the particular year of the *Handbook* in the parenthetical references, thereby to avoid the need for wholesale amendments following every Synod convention.
- Bylaw 1.2: Mention of “Each congregation” must also include the words “or multiple-congregation parish” at the beginning of the paragraph.
- Bylaw 3.1: Synod Constitution Art. XII 9 (d) gives primary responsibility for the signing of official documents to the president of the district, which should be reflected in this bylaw.
- Bylaw 4.1: The listing of elected officers of the district must also include the circuit counselors. This will also require clarification in the final sentence of the bylaw, which would otherwise make circuit counselors voting members of the board of directors of the district.
- Bylaw 4.2: This bylaw leaves unclear the intention of the bylaw by its use of the term “pastors,” which in Synod parlance refers only to parish pastors (vs. ordained ministers in general).
- Bylaw 4.3, et al.: Use of the term “board” as in “board of nominations” contradicts the Synod’s bylaw use of the term “nominating committee” (Synod Bylaw 4.7.2) and the Synod’s general use of the terms “board” vs. “committee.” The same holds true for the “board of constitution review” in the bylaws that follow.
- Bylaw 4.4: The new wording that has the constitution committee of the district submitting its approval directly to the district board of directors is not entirely accurate. The committee advises the president of the district regarding constitutions and bylaws that have been submitted. He then makes a recommendation to the district board of directors regarding approval (see Synod Bylaw 2.4.1 [c]).
- Bylaw 4.9.2: This bylaw should begin with words such as “Unless otherwise specified in these bylaws” in order to allow for the fact that circuit counselor vacancies, for example, are filled by the president of the district (Synod Bylaw 5.2.2.1).
- Bylaws 5.1.1 and 5.1.2: The content of these bylaws does not represent completely or accurately the content of the Synod’s Bylaws regarding the district president’s ecclesiastical responsibilities, as in Constitution Art. XII and Bylaw section 4.4. It also does not clarify his responsibilities with regard to district committees (district Bylaw 8.1).
- Bylaw 6.1: It should be noted that the “general supervision” discussed in the fourth sentence of the first paragraph is not to include the ecclesiastical supervision carried out by the president of the district. In paragraph j, the commission notes mention of a policy manual and therefore requests a copy for review (Synod Bylaw 3.9.2.2.3).
- Bylaw 8.1: The commission notes mention of a “schematic diagram” adopted by the district and requests a copy for review. Regarding the mention of “standing committees,” the description and responsibilities of such committees that are provided in Synod Bylaw 1.5.3.4 should be noted and reflected.
- Bylaw 11.4: The reference to “lay delegate of the district and school” is unclear and requires attention, since schools do not have lay delegates. It should also be stated that the delegate credential/registration cards must be signed by two officers of the congregation (Synod Bylaw 4.2.2).
- Bylaw 11.9: The reference to *Roberts Rules of Order* should also speak of “the most recent edition of” or clarify which edition will be used, since new editions are published periodically.
- Bylaw 12.1: The parenthetical reference to Synod Bylaw 3.1.2 should also include Synod Bylaw 3.1.2.1, the latter providing the detailed process for election of Synod convention delegates.

- Bylaw 13.1: Since this bylaw speaks of the activities of the visitation circuit, this should be clarified and the reference to Synod Bylaw 3.1.2 removed (which speaks of electoral circuits), leaving Bylaw section 5.1 as the proper reference for the description of a visitation circuit.
- Bylaw 13.3: This bylaw's description of the functions of circuit forums will need to be expanded to include the election of circuit counselors, the discussion and forwarding of triennial mission and ministry emphases, and reference to the content of Synod Bylaws 5.3.1, 5.3.4, and 5.3.5.
- Bylaw 15.1.1: This bylaw should note that the approval of amendments to the district Bylaws by the Synod's Commission on Constitutional Matters must be obtained prior to district convention action.

96. Central Illinois District Articles of Incorporation and Bylaws Review (11-2623)

With a November 23, 2011 email, the president of the Central Illinois District submitted for commission approval his district's official documents along with proposed amendments. Following careful review, the commission recommended the following changes to the district's Articles of Incorporation.

- Article III A: The commission suggests that the district consider patterning this paragraph more closely to Article III of the Synod's Articles of Incorporation (2010 *Handbook*, p. 207).
- Article III B, second paragraph: The commission recommends adding the words "multiple-congregation" before "parish" in the first line and the words "or multiple-congregation parish" at the end of the sentence. The commission is advocating regular use of this terminology to promote clarity in the Synod regarding delegate representation.
- Article III C: Rather than requiring change to the district's Articles of Incorporation each time the Synod adds advisory members, the district may wish instead to provide a reference to the listing provided in Synod Constitution Art. V B.

In the section of the submitted documents referring to the Constitution of the Synod as the constitution of the district, the commission made the following recommendation.

- Paragraph 1: The first sentence should be changed to more accurately reflect the language of Synod Bylaw 1.3.2 which speaks of a district, not as a "division," but as a "component part" of the Synod.

Upon review of the Bylaws of the district and proposed amendments, the commission made the following recommendations.

- Bylaw 1.03: This bylaw is unclear regarding congregations with more than one pastor. In addition, the pastor's as well as the lay delegate's registration credentials must be signed by two of the congregation's officers (Synod Bylaw 4.2.2 [a]).
- Bylaw 2.02: The "Explanation of Terms" section should be reconsidered in favor of terminology used by the Synod and defined by its Constitution and Bylaws. As the paragraph stands, the listing provided under "pastor" is not all-inclusive of the Synod's ordained ministers, and the definition of the term "layman" is too limiting per its usage by the Synod.
- Bylaw 2.05, paragraph b: This paragraph does not take into account that the filling of circuit counselor vacancies by the district president does not require the approval of the district board of directors (Synod Bylaw 5.2.2.1).
- Bylaw 2.09: This paragraph should reference Constitution Art. XII and Bylaw section 4.4 of the Synod, since the list provided in this bylaw is not an exhaustive list of the district president's duties. In addition, paragraph d should note that the district president is responsible for carrying

out the resolutions of the Synod as well as the district. Paragraph f should include mention of not only the Constitution but also the Bylaws of the Synod. And paragraph g should be clarified as to whether the district president is a voting or non-voting *ex officio* member of the commissions and committees of the district.

- Bylaw 2.24, paragraph a: This paragraph must also include reference to Synod Bylaw section 1.5.2, which contains the conflict of interest policy and practice for all agencies of the Synod including districts.
- Bylaw 2.30, paragraph a: It should be clarified that the district may call missionaries-at-large and place them in new mission fields within the district. Under paragraph b: The reference to circuit counselors as “executors of the board of directors” is foreign to the Synod’s Bylaws. Synod Bylaw 5.2 provides the duties of circuit counselors, who assist the district president within the circuit. Under paragraph d, mention should also be made of the Constitution, Bylaws, and resolutions of the Synod.
- Bylaw 2.33, paragraph b i: The second-last sentence is incorrect insofar as approval of a congregation’s constitution and bylaws is the responsibility solely of the district board of directors. Under paragraph ii, the second sentence should be changed to more accurately read: “Upon favorable action by the district board of directors, the congregation shall be notified that the changes have been approved and that the congregation may function under the new or changed constitution and bylaws without jeopardizing its good standing in the Synod.” Under paragraph iv, mention should also be made of the committee’s responsibility to submit district handbook changes to the Commission on Constitutional Matters for review prior to their submission for district convention action.
- Bylaws 2.34 and 2.35: It is unclear what is intended with the use of the terms “pastors” and “teachers.” The commission again advises that the district use the terminology and definitions provided by the Synod in its *Handbook*.
- Bylaws 2.40, paragraph b, and 2.41, paragraph a: Synod Bylaw 4.7.2 does not allow participation of the district nominating committee in the nominating/election process of the district president.
- Bylaw 2.45, paragraph a: Synod Bylaw 4.3.1 requires that circuit counselors are to be elected from the clergy roster of the Synod, understanding that consent to serve must also include consent to relocate if necessary. It should also be noted that Synod Bylaw 4.4.4 (a) gives responsibility for official visits to district presidents. They may call upon circuit counselors to assist with these triennial visitations.
- Bylaw 2.46, paragraph c: As it presently reads, this bylaw is unclear as to who is responsible for filling a vacancy on the nominating committee.
- Bylaw 2.47, paragraph a: Two clarifications are in order: (1) the district secretary may be nominated from the entire clergy roster of the Synod (Synod Bylaw 4.3.1); and (2) the election of a member of the Synod’s Committee for Convention Nominations takes place every other convention as designated by the Secretary of the Synod (Synod Bylaw 3.12.3.3).
- Bylaw 3.04, paragraph a: It should be clarified that each congregation is to be represented by its pastor and one lay member designated by the congregation. Under paragraph c v, mention should also be made of the functions of the circuit forum to elect circuit counselors and to discuss and recommend triennial mission and ministry emphases to the district convention (Bylaw 4.2.1 [d]). Under paragraph d, it should be clarified that a visitation circuit forum also functions as an electoral circuit forum to elect delegates to the Synod convention unless there is a need to combine with an adjacent visitation circuit to satisfy Synod requirements for electoral circuits.
- Bylaw 5.01: The correct names for the two mission offices of the Synod are the Office of National Mission and the Office of International Mission.
- Bylaw 13.01: Under “a,” the words “and Bylaws of the Synod” should be added after “Constitution.” Under “b,” the end of the statement should read “for review and prior approval.”

97. Mid-South District Bylaws Review (11-2624)

With a February 3, 2012 email, the secretary of the Mid-South District submitted his district's Bylaws and proposed bylaw changes to the commission for approval. Upon review, the commission offered the following recommendations (referenced according to proposed new numbering).

- Bylaw 1.2.4: Mention is made of the district's *Policy Based Governance Document*. The commission requests that a copy of this document be submitted for review as required by Synod Bylaw 3.9.2.2.3.
- Bylaw 1.3.2: The proposal that the second vice-president also serve as secretary (as also in Bylaw 3.2.2.3) is contrary to the Bylaws of the Synod, where Bylaw 1.5.1.2 prohibits holding more than one elective office.
- Bylaw 4.1.1: Mention of the district's Articles of Incorporation prompts the request by the commission that this document also be submitted for review.
- Bylaw 4.2.3: Although already clear in the Synod's Bylaws (4.3.2), the commission recommends including in the district bylaw the requirement that the district treasurer is to be a lay person.
- Bylaw 4.2.4: When the board of directors determines the frequency of its regular meetings, it must take into consideration the Synod's requirement for quarterly meetings (Bylaw 1.5.3).
- Bylaw Chapter 6: The title of this chapter, "Standing Committees," does not appear to be appropriate for the content of the chapter.
- Section title 6.2: The words "upon Recommendation of the District President" do not hold true for the district reconcilers, who are recommended by the circuit counselors of the district.
- Section 6.2.2: This section on district reconcilers does not fit under "standing committees," nor is it complete, since reconcilers also serve on panels, serve at the Synod level, serve on expulsion panels, etc. It may be easier just to refer to the Synod's bylaws governing reconcilers' work.
- Bylaw 8.3.1, paragraph a: The proposed change to replace "clergy" with "official" should be undone, as nominations for the president of the district may be made from the entire clergy roster of the Synod (Synod Bylaw 4.3.1). Consent to serve would therefore include agreement to be members of member congregations of the district upon assuming office and during the course of their tenure (Bylaw 4.3.3).
- Bylaw 8.3.2.1: Nominations for vice-president are to be from the clergy roster of the Synod (Synod Bylaw 4.3.1) and not just the electoral region. Consent to serve would therefore include agreement to be members of member congregations of the district upon assuming office and during the course of their tenure (Bylaw 4.3.3).
- Bylaw 8.4.2: See Synod Bylaw 3.2.4 for term of office requirements.
- Bylaw 8.4.3.1: The commission noted mention of the district's "transition policy" and requests that it also be submitted to the commission for review (if not already included in the aforementioned *Policy Based Governance Document*).
- Bylaw 8.5.1: The commission noted that there is no mention of line of succession of vice-presidents in the event of a vacancy in the office of the President.

98. Minnesota North District Articles of Incorporation and Bylaws Review (11-2625)

The secretary of the Minnesota North District submitted the response of the district's Bylaw and Constitution Commission to the recommendations made by the Commission on Constitutional Matters following earlier review of the district's documents. The commission reviewed the changes now being proposed and offered the following final recommendations, requesting that the district provide clean copies with changes in place upon action of the district convention.

- Overtures 01, 02, and 05: The commission recommends that the page number references to the Synod's Constitution and Bylaws be deleted, as these are not required and will change from time to time.
- Overture 04: The commission notes a typographical error in the final sentence of the new wording for Bylaw 2.52 (the letter "n" standing alone in the text).
- Overture 06: The commission notes a typographical error in the list of references for the duties of the president of the district—the second reference to the Synod's Constitution should read "XII" and not "Xii."
- Overture 06: Regarding the changes proposed to district Bylaw 3.66, which governs removal of district officers, while the new content of the bylaw may be appropriate, references to Synod Bylaw 1.5.7 should be removed since the Synod bylaw governs the removal of board and commission members, not officers.
- Overture 07: The commission notes the references to district policies in Bylaw 5.10, paragraphs a and c, and requests a copy of the policies for review under Synod Bylaw 3.9.2.2.3.
- Overture 07: Under the changes proposed to district Bylaw 7.00, a reference to Synod Bylaw 4.1.1.2 (b) should be added to the references already provided.

99. Northwest District Articles of Incorporation and Bylaws Review (12-2626)

With a January 13, 2012 email, the commission received the Northwest District's Articles of Incorporation and Bylaws from the district secretary for approval prior to convention action. After careful review, the commission offered the following recommendations regarding the Articles of Incorporation.

- Article II a: The terminology "pastors and teachers" should be updated to "ministers of religion—ordained, and ministers of religion—commissioned" (Synod Constitution, Art. V).
- The commission advises the addition of an Article VII to govern amendments to the Articles of Incorporation, such article to include language requiring conformity to the Constitution and Bylaws of the Synod and a requirement for approval of proposed amendments by the Commission on Constitutional Matters prior to their submission to a district convention.

The commission also offered the following recommendations for changes to be incorporated into the district's Bylaws.

- Bylaw 2.3.2: To properly reflect Synod Bylaw 4.1.1.2, the word "directly" should be replaced with "primarily."
- Bylaw 2.3.3: The reference to the Constitution and Bylaws of the Synod should also include mention of the resolutions of the Synod.
- Bylaw 2.3.4: This bylaw must also require review and prior approval of the Commission on Constitutional Matters (Synod Bylaw 3.9.2.2.3 [a]).
- Bylaw 3.1.2: In addition to mention of "each congregation," the words "or multiple-congregation parish" must be added when addressing delegate representation at district conventions. The commission is promoting the use of these words to foster better understanding of the Synod's delegate representation requirements.
- Bylaw 3.3.3: Synod Bylaw 4.3.1 calls for vice-presidential nominations and elections from the clergy roster of the entire Synod, with the understanding that consent to serve if elected must include willingness to relocate as necessary. The language of the Synod bylaw will need to be incorporated into this district bylaw.

- Bylaw 3.3.4: The commission questions whether this is the best location for this bylaw governing circuit counselor nominations, since this section of the bylaws deals with the nomination and election of president and vice-presidents.
- Bylaws 3.3.11 and 3.3.12: Another look at these bylaws prior to submission to the district convention will be necessary as there appear to be two bylaws with the same number and cross-referencing that is incorrect.
- Bylaw 4.2.6: The commission questions the authority of the board to make bylaw revisions subject to ratification by the convention (see also district Bylaw 2.3.4). In addition, there is no mention of the requirement of prior approval of bylaw changes by the Commission on Constitutional Matters (Synod Bylaw 3.9.2.2.3 [a]).
- Bylaw 4.5.1: In addition to vacancies in the office of the president, the board also does not fill vacant circuit counselor positions (Synod Bylaw 5.2.2.1).
- Bylaw 5.1: The list of district officers should also include the treasurer of the district (Synod Constitution Art. XII 3; Bylaw 4.3.2).
- Bylaw 6.2: The list provided should no longer include “Adjudication,” and its terminology should be updated to reflect changes in the Synod’s structure.

100. Florida-Georgia District Articles of Incorporation and Bylaws Review (12-2628)

With a January 26, 2012 email, the president of the Florida-Georgia District submitted his district’s Articles of Incorporation and Bylaws and proposed bylaw changes to the commission for approval. Upon careful review, the commission noted several concerns other than those already addressed after a previous review, recommending the following changes to the Articles of Incorporation.

- Article III: To make clear that membership in the corporation (district) includes only members of the Synod who have been properly and intentionally added to its roster, this paragraph should end with the words, “and who have been received into the district at the time of joining the Synod, who have been transferred from another district, or who have been assigned to the district by the Synod.”
- Article V, Section 2: The commission advises that the terminology of paragraphs b and c be changed to mirror that which the Synod uses for circuit counselor elections (Bylaw 5.2.2), where candidates are “selected” on the regional level and “elected” by ratification by the district convention.
- Article IX: The use of the term “clerical” is foreign to the *Handbook* of the Synod and should be replaced with “clergy” or, preferably, “ordained ministers.”
- Article IX: The final sentence which speaks of parishes of two or more congregations “united under one pastor” should be changed to speak of two or more congregations “served by the same pastor.”
- Article XI: This article will need to be returned to its present wording to properly reflect the requirements of Synod Constitution Art. XII 15 for the calling of a special convention of a district.
- Article XII: The end of the first lengthy sentence of this article should also be amended to add the words “and approval” after the words “for their review” in keeping with Synod Bylaw 4.1.1.2 (b).

The commission also recommended the following additional changes to the district’s Bylaws.

- Bylaw D1.04: The commission notes what appears to be a typographical error that should read “district” rather than “distinct.”

- Bylaw D1.53, paragraph a: Although the wording used echoes Synod Bylaw 3.1.3.1, the beginning of the second paragraph would more helpfully read, “One advisory delegate shall be elected for every...” since it is the advisory members themselves who do the selecting and not the district *per se* (Synod Bylaw 3.1.3.1).
- Bylaw D2.05, paragraph e: Since convention committees do more than “study” overtures received, it would be more accurate to speak of the committees “processing of reports and overtures.”
- Bylaw D2.29, paragraph k: It should be clarified whether the president, as an *ex officio* member of all committees, is a voting or non-voting member of those committees.
- Bylaws D2.71ff.: Since several bylaw numbers between D2.70 and D2.79 are not being used, using one of those numbers and renumbering subsequent paragraphs would make unnecessary the use of the number D2.2710, which can be confusing.
- Bylaw D2.73: Reference should be made to Synod Bylaw 1.5.7 for the process to be followed in removing board members from office.
- Bylaw D2.127, paragraph b: According to Synod Bylaw 4.7.3, the process for electing the president of the district is to be different from that described in district Bylaw D2.125. The process normally used for the election of the president is the process described in Synod Bylaw 3.12.2.4 (b) for the election of the First Vice-President of the Synod.
- Bylaw D2.133, paragraph a, subparagraphs 2 and 3: According to Synod Bylaw 4.3.1, district officers such as vice-presidents are to be nominated and elected from the clergy roster of the entire Synod, not just the pertinent region. Accordingly, consent to serve if elected must also include agreement to relocate as necessary to fulfill the requirements of the office.
- Bylaw D3.31: The district president, district vice-presidents, and secretary should be added to “circuit counselor” as offices to which the bylaw’s one-year membership-in-the-district limitation does not apply, since all may be elected from the entire clergy roster of the Synod (Synod Bylaw 4.3.1).
- Bylaw D16.01, paragraph b: The words “and approval” should be added after the word “review,” which rules out the possibility of proposals for bylaw amendments being made from the floor of the convention.

101. New Jersey District Bylaws and Bylaw Amendments Review (12-2629)

With a February 4, 2012 email, the secretary of the New Jersey District submitted resolutions proposing amendments to the district’s Bylaws as well as the current bylaws for review. Upon careful review, the commission calls attention to the following concerns in the bylaw change proposals.

- Bylaw 3.1.4: This proposed change to the position of president will require additional change to reflect Synod Bylaws 4.3.1 and 4.3.3 which allow for nominations and elections from the entire clergy roster of the Synod. Consent to serve by nominees outside the district must include consent to relocate to satisfy Synod Bylaw 4.3.3 if elected.
- Bylaw 6.10, paragraph a: The proposed wording does not take into consideration the triennial synodwide mission and ministry emphases that were introduced by the 2010 convention, which synodwide emphases should contribute to the determination of the district’s triennial emphases.

The commission also made use of the opportunity to review the existing Bylaws of the New Jersey District and made the following recommendations.

- Bylaw 2.03, paragraph a: If the words “shall stand accredited” intend to say that the registration process described for lay delegates in paragraph b does not pertain to pastors, new wording will

be necessary that is in accord with Synod Bylaw 4.2.2 (a), which requires properly signed credentials for all delegates.

- Bylaw 2.21, paragraphs a and b: Synod Bylaw 4.3.1 allows for nominations from the entire clergy roster of the Synod, which suggests change also to paragraph b's requirement for a listing of clergymen eligible to be elected. Obviously, the consent to serve in the case of someone from outside the district or required region must also include consent to relocate as necessary to meet requirements for service (Synod Bylaw 4.3.3).
- Bylaw 3.11: The commission recommends the addition of a reference to Synod Bylaw section 4.4 since the information provided in the district bylaw does not include everything that is in the Synod bylaw.
- Bylaw 6.01: One of the councils listed will need to be assigned the stewardship responsibility mandated by Synod Bylaw section 4.6.
- Bylaw 8.01 a: The words "and Bylaws" will need to be added after the word "Constitution."
- Bylaw 8.01 d: The word "clearance" would more accurately read "review and approval."

102. Ohio District Bylaws Review (12-2630)

With a February 4, 2012 email, the secretary of the Ohio District submitted several proposed revisions to the district's Code of Regulations (Bylaws) for approval by the commission. Upon careful review of the proposed changes as well as the existing bylaws document, the commission offered the following recommendations to the district, requesting that the district's Articles of Incorporation also be provided for review.

- Article III: The first sentence describing how the district will carry out the work of the Synod subject to applicable resolutions of the Synod should instead read "subject to the Constitution, Bylaws, and resolutions of the Synod."
- Article IV B: The second sentence will better read "...every congregation or multiple-congregation parish is entitled to two votes." The commission is advocating regular usage of the term "multiple-congregation" wherever the word "parish" occurs to promote understanding of delegate representation at district conventions.
- Article IV D 5: The words "and bylaws" should be inserted after "constitution."
- Article V B: This paragraph should quote Synod Bylaw 1.7.2 word for word rather than paraphrase it, given the importance of the exact wording of the Synod's bylaw, including the use of the word "applicability" rather than "expediency."
- Article VI C: The process and requirements outlined in this paragraph are incorrect according to Article XII B 15 of the Synod's Constitution and will need to be changed accordingly.
- Article VI G: This paragraph should include reference to the content of Synod Bylaw 4.2.1 (a) which requires district conventions to be governed also by the bylaws adopted by the Synod for its conventions.
- Article VII E: The initial statement of this paragraph should include mention of "individuals" in addition to "officers, boards, and committees" in order to cover the content of the lists that follow.
- Article VII G: The commission notes mention of the "policies of the board of directors" and requests a copy for review (Synod Bylaw 3.9.2.2.3).
- Article VII J: The district correctly reiterates the content of Synod Bylaw 1.5.1.2 in this paragraph's first sentence. The second sentence must be corrected to agree with Synod Bylaw 1.5.1.2 (b), as the responsibility to decide doubtful cases belongs to the President of the Synod.
- Article VIII A 2: The terminology "pastors, teachers" should be changed to more properly read "ordained and commissioned ministers."

- Article VIII C 2 a: According to Synod Bylaw 4.3.1, candidates for district vice-president may be nominated from the entire clergy roster of the Synod, not just a specific district or region. Accordingly, consent to serve must include consent to relocate as necessary if elected (Synod Bylaw 4.3.3).
- Article XIII, first paragraph: The referenced bylaws do not provide governing principles for the district to divide itself into circuits. These are provided by Synod Bylaws 5.1.1 and 5.1.2.
- Article XIII, second paragraph: This paragraph will require reworking to distinguish properly between visitation circuits and electoral circuits and their functions and to incorporate new circuit forum expectations adopted by the 2010 Synod convention.
- Article XV, second paragraph: The reference to the Constitution is unnecessary since the Synod's Constitution is also the constitution of the district and has its own amendment process. This paragraph must also include the provision that any changes to the Articles of Incorporation or Bylaws of the district must be submitted to the Commission on Constitutional Matters of the Synod for approval prior to their submission to the district convention for adoption.

103. Other Matters Discussed by the Commission

During the course of the meeting, a number of matters were surfaced and discussed at length by the commission:

- The Secretary of the Synod requested conversation and input regarding a number of matters related to the Synod's dispute resolution processes.
- The commission's representative on the Commission on Handbook reported regarding that commission's discussion of matters of mutual interest, precipitating a letter to be written by the chairman to the Commission on Handbook and the President and certain officers of the Synod that will advocate a joint meeting to discuss 2010 convention restructuring decisions and any related concerns.
- Discussion of requests for reviews of Southern District Church Extension Fund Articles of Incorporation and Bylaws led to the preparation of a letter by the secretary to concerned parties inviting their submission of information regarding matters at issue.

104. Items Remaining for the Agenda of the Commission's May 11–13, 2012 Meeting

The following items will be carried over to the commission's May meeting because of time limitations or the need to obtain or receive additional information:

- Bylaw Section 2.16 *Standard Operating Procedures Manual* Revision
- Concordia University System Dispute Resolution *Standard Operating Procedures Manual*
- Seminaries' Dispute Resolution *Standard Operating Procedures Manual*
- Questions Related to Women's Service in Congregations (11-2596)
- Concordia University System Articles of Incorporation and Bylaws (11-2602)
- Southern District Church Extension Fund Articles of Incorporation and Bylaws (11-2605)
- English District Operations Manual and Employees Handbook (11-2613B)
- Question re Priority of a Pastor's Call (12-2627)
- SELC District Articles of Incorporation and Bylaws (12-2631)
- Montana District Policies (12-2632)

The following additional items are pending:


- Concordia Historical Institute Policy Manual (08-2523)
- Article VI and Heterodox Congregations (09-2544)

The following items remain on the agenda as items that await further input or items that receive regular attention:

- Commission on Handbook Response to Commission on Constitutional Matters Requests
- LCMS Structure and Governance Matters
- 2010 LCMS *Handbook* Errors Report
- Council of Presidents Policy Manual Review
- Commission on Constitutional Matters LCMS Website Content
- Commission on Constitutional Matters Internal Governing Document
- Status of Agency Governing Documents Review and Files
- Historical Resources (including Synodical Survey Commission Report)

105. Future Meetings and Adjournment

After the commission agreed upon dates for its next three meetings (May 11–13, 2012; August 10–12, 2012; and November 2–4, 2012), and following concluding announcements, the meeting was adjourned with prayer.


Raymond L. Hartwig, Secretary