

## **Commission on Constitutional Matters Governing Policy**

1. The Commission on Constitutional Matters (CCM) exists to interpret the Constitution, Bylaws, and resolutions of the Synod and to insure that the governing documents of the Synod and its agencies are in accord with the Constitution and Bylaws of the Synod (Bylaw 3.9.2). [*Cf. Appendix A*]
2. The voting members of the Commission on Constitutional Matters consist of three ordained ministers and two lawyers. The Secretary of the Synod is a nonvoting member of the commission and serves as its secretary (Bylaw 3.9.2.1).
3. The Commission on Constitutional Matters may submit overtures to a convention of the Synod (Bylaw 3.1.6.2).
4. The Commission on Constitutional Matters shall be represented at the meetings of national convention floor committees considering constitution and bylaw matters to ensure that they are in accord with the Constitution, Bylaws, and resolutions of the Synod (Bylaw 3.9.2.2.2). Some questions submitted to the commission at convention floor committee meetings may not be in writing until after the opinion has been rendered. While attending floor committee meetings, the commission or individual members thereof may be requested to provide information to assist the floor committees in their work. Such comments are not formal opinions of the commission, and such information does not constitute a binding opinion unless reduced to a formal written opinion and published as such.
5. All questions are to be submitted to the Commission on Constitutional Matters in writing by a member (congregation, ordained or commissioned minister), official, board, commission, or agency of the Synod (Bylaw 3.9.2.2). An exception has been questions submitted to the commission at conventions of the Synod, some of which were not produced in writing until after the opinion was rendered. Questions may also be submitted as authorized under Bylaw sections 1.10 and 2.14-2.17 and Bylaws 3.10.4.7.9 and 3.10.5.6.9. A request for an opinion may be accompanied by a request for an appearance before the commission (Bylaw 3.9.2.2 [a]).
6. The Commission on Constitutional Matters shall examine all reports, overtures, and resolutions to the Synod asking for amendments to the Constitution and Bylaws of the Synod or which in any manner affect the Constitution and Bylaws to determine their agreement in content with the Constitution, Bylaws, and resolutions of the Synod (Bylaw 3.9.2.2.1). During the course of a convention of the Synod, the commission is expected to review all proposed amendments or substitute resolutions to ensure that they are in agreement with the Constitution, Bylaws, and resolutions of the Synod. Such amendments are printed in *Today's Business*. Commission members are expected to attend all sessions of the conventions of the Synod. In this role as advisory representatives, the commission or members of the commission may be requested to provide information to assist the convention. Such comments are not formal opinions of the commission unless reduced to a formal written opinion and published as such.
7. The Commission on Constitutional Matters is required to notify an officer or agency of the Synod if a request for an opinion involves an activity of that officer or agency to allow the officer/agency to submit in writing information regarding the matter at issue (Bylaw 3.9.2.2 [b]). All input received from an officer or agency as a result of this notification will be kept confidential by the commission and will not be published, unless the information provided is a publicly known fact. All letters of notification allowing for such input from an officer or agency will state assurance that the commission will keep confidential any responses received and will only use the information as confidential background in assisting the commission in reaching its opinion. The commission is not

limited by this or any other bylaw or policy from requesting input from anyone (written or otherwise), if the commission so desires.

8. An opinion rendered by the Commission on Constitutional Matters shall be binding on the question decided unless and until it is overturned by a convention of the Synod (Bylaw 3.9.2.2 [c]). When an opinion pertains to business, legal, or property matters, and the Board of Directors of the Synod concludes that the opinion of the commission is contrary to the laws of the State of Missouri, the board and the commission or their representatives shall meet jointly to discuss the issue(s) and seek resolution. If an agreement cannot be reached on whether the matter is governed by the laws of the State of Missouri, the questions shall be presented to a five-member panel consisting of three hearing facilitators (Bylaw 1.10.12) chosen by blind draw by the Executive Director of Internal Audit of the Synod from the pool of hearing facilitators; one person appointed by the commission; and one person appointed by the board. At least one of the hearing facilitators must be an attorney, and the appointees of the commission and board cannot be members of the groups that appointed them. The decision of the panel in support of the commission or the board shall be binding on the issue unless and until it is overruled by a convention of the Synod (Bylaw 3.9.2.2).

9. Overtures to a convention seeking to overrule an opinion of the Commission on Constitutional Matters must support the proposed action with substantive rationale from the Constitution, Bylaws, and resolutions of the Synod. All overtures must be assigned to a floor committee and must be included in a specific report to the convention, with recommendations for appropriate action (Bylaw 3.9.2.2 [c]). [*Cf. Appendix B*]

10. All legal opinions received and considered by the Commission on Constitutional Matters are shared with the Board of Directors after the related opinion has been rendered. (See Bylaw 3.3.4.4.) All discussions with legal counsel and all opinions from legal counsel will be kept confidential by the commission and will not be published.

11. The Commission on Constitutional Matters will select one of its voting members to serve as an advisory member to the Commission on Handbook (Bylaw 3.9.4.1 [1]). The commission will make itself available to the Commission on Handbook for consultation immediately after each convention regarding revisions to the *Handbook* of the Synod necessary to bring it into harmony with the resolutions and changes adopted by the convention (Bylaw 3.9.4.2 [b]).

12. The Commission on Constitutional Matters also responds with due diligence to all assignments given to it by the conventions of the Synod.

13. The Commission on Constitutional Matters is responsible to examine the Articles of Incorporation, Bylaws, and policy manuals of every agency of the Synod, examining changes to articles and bylaws in advance. The commission is to ascertain whether the documents and changes are in harmony with the Constitution, Bylaws, and resolutions of the Synod (Bylaw 3.9.2.2.3). The commission seeks to coordinate its responsibility with the responsibility of the Board of Directors of the Synod (see Bylaw 3.3.4.3 and 3.3.4.5 [a] [2]). The commission is also required to maintain a file of the Articles of Incorporation, Bylaws, and policy manuals of all agencies of the Synod (Bylaw 3.9.2.2.3 [b]).

14. The Bylaws of the Synod require the Commission on Constitutional Matters to provide comprehensive procedures manuals for Synod's dispute resolution and expulsion from membership processes. Accordingly, *Standard Operating Procedures Manuals* have been prepared for Bylaw sections 1.10, 2.14, 2.15, 2.16, and 2.17. In consultation with the Secretary of the Synod and the Council of Presidents, the commission shall amend as necessary the *Standard Operating Procedures*

*Manual* that serves as the comprehensive procedures manual for Bylaw section 1.10 (Bylaw 1.10.18.1 [j]). In consultation with the Secretary of the Synod and with the concurrence of the Council of Presidents, the commission shall amend as necessary the *Standard Operating Procedures Manuals* that serve as the comprehensive procedures manuals for Bylaw sections 2.14, 2.15, 2.16 and 2.17 (Bylaws 2.14.9.3, 2.15.9.3, 2.16.10.4 and 2.17.9.3).

15. The Commission on Constitutional Matters will make itself available for consultation with the boards of regents of the seminaries for the maintenance of a *Standard Operating Procedures Manual* for removal of its faculty members (Bylaw 3.10.4.7.9[j]). The commission will also make itself available for consultation with the Board of Directors of Concordia University System for the maintenance of a *Standard Operating Procedures Manual* for removal of its faculty members (Bylaw 3.10.5.6.9[j]).

16. In its review of agency documents, the Commission on Constitutional Matters has noted a frequency of instances of minor departures from the norm of how the Synod prepares documents, as in its Bylaws and the commission's documents. Rather than call attention to each of these details individually and repeatedly, the commission has prepared a checklist of these "Frequently Noted Concerns and Aberrations" to alert document preparers and editors. In this manner the commission promotes and facilitates uniformity of language and grammar usage in bylaw and policy documents throughout the Synod.

17. Congregations become members of The Lutheran Church—Missouri Synod only after their constitutions and bylaws have been approved by a constitution committee of one of the Synod's 35 districts. Similarly, congregations which revise their constitutions and bylaws must also submit these proposed changes for review by their district's constitution committee (Bylaw 2.4.1). Upon favorable action by the district board of directors, the congregation shall be notified that the changes are acceptable to the Synod, and the congregation may proceed with formal adoption of the revised constitution and/or bylaws, and remain a member in good standing of the Synod. In order to assist congregations in the development and preparation of their constitutions and bylaws by the inclusion of the requirements necessary for the preparation and review of such documents, the Commission on Constitutional Matters has from time to time issued guidelines for the proper composition of congregations' constitutions and bylaws.

18. Meeting dates of the Commission on Constitutional Matters are announced in advance. This information is provided in its meeting minutes and on the Synod's Web site calendar. (See Bylaw 1.5.3)

19. All substantive opinions of the Commission on Constitutional Matters from that triennium are published every three years in the *Convention Workbook*.

20. Minutes of Commission on Constitutional Matters meetings are made available on the Synod's Web site for at least three years, subject to the addition of other opinions relating to frequently asked questions. In addition, some opinions older than three years related to frequently asked questions may also be included. The date on which an opinion was decided is now included at the bottom of each opinion.

21. The Commission on Constitutional Matters may publish on the Synod Web site other documents relating to the commission's work that it determines may be helpful to the Synod.

22. All questions/submissions to the Commission on Constitutional Matters are provided to its members in both electronic and hard copy, as requested by each member. The Secretary of the Synod also provides the chairman of the commission with copies of all letters mailed on its behalf.

23. Additional Commission on Constitutional Matters policies:

- The commission may meet by either video/teleconference or in person. It is required to meet four times per year. The commission's position has been that it should hold face-to-face meetings at least two times per year.
- Commission meetings begin with prayer. Each member may be called upon to provide the prayer and/or an opening devotion.
- The agenda for each commission meeting is provided to members in advance, identifying the questions for which opinions are requested. While the chair makes assignments in advance of meetings, any member of the commission is free to write an opinion in answer to a specific question. The commission then works to reach a consensus at the meeting. Most questions have been resolved by consensus, but voting is permitted, if necessary, after discussion of issues.
- Historically, while most of the commission's opinions have been unanimous, in the event a decision is not unanimous, no minority opinion is to be published. (See Bylaw 1.5.6)
- The commission speaks as one primarily through its opinions and secondarily through its chairman. All communication between commission members relating to commission business (agenda items) is privileged, confidential and private, is work product, is not to be produced or made available to any outside parties, is not discoverable in a legal proceeding and is not to be produced, even to a court of law, except by decision of the commission itself.
- The commission responds to questions asked in writing, and its opinions are based on the Constitution, Bylaws, and resolutions of the Synod. If a question relates to a theological issue, the questioner may be directed to the Commission on Theology and Church Relations (CTCR) for counsel, or the commission itself may consult with the CTCR before rendering an opinion.
- During the course of its work, the commission may encounter concerns to be addressed by the Commission on Handbook, whose responsibility it is to respond to requests from agencies of the Synod to propose new provisions to address such specific handbook-related issues that surface between conventions (Bylaw 3.9.4.2 [e]).
- No opinion is to be shared outside the commission until the minutes of the meeting that include the opinion have been issued. An exception may be made in cases in which the Secretary of the Synod has been moved by time constraints to ask for an exception so that he may notify parties involved.
- Draft minutes are provided by email to the commission's members, and time is allowed for suggested revisions. When minutes are adopted, they are provided to commission members by email and also in hard copy as requested by each member.

[Revised 11/07/10; minor editing 2/18–20/2011; revised 11/3/2012]

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**[Appendix A]**

**COMMISSION ON CONSTITUTIONAL MATTERS PRIMARY BYLAWS (2010 *Handbook*)**

3.9.2 The Commission on Constitutional Matters exists to interpret the Constitution, Bylaws, and resolutions of the Synod and ensure that the governing instruments of the Synod and its agencies are in accord with the Constitution and Bylaws of the Synod.

3.9.2.1 The Commission on Constitutional Matters shall consist of:

1. Five voting members, whose terms shall be for six years renewable once, three of whom shall be ordained ministers and two shall be lawyers
2. The Secretary of the Synod, who shall serve as a nonvoting member of the commission and its secretary

3.9.2.1.1 The Commission on Constitutional Matters shall be appointed in the following manner:

- (a) Candidates shall be nominated only by the district boards of directors and shall be presented to the Council of Presidents through the Office of the Secretary.
- (b) The Council of Presidents shall select five candidates for each vacant position and present them through the office of the Secretary of the Synod to the President of the Synod.
- (c) The President of the Synod, in consultation with the vice-presidents of the Synod, shall appoint the members of the commission from the list presented by the Council of Presidents.
- (d) Thereafter the appointments shall become effective upon ratification by a majority vote of the members of the Council of Presidents.
- (e) Vacancies in appointed positions shall be filled by following the procedure set forth above.

3.9.2.2 The Commission on Constitutional Matters shall interpret the Synod's Constitution, Bylaws, and resolutions upon the written request of a member (congregation, ordained or commissioned minister), official, board, commission, or agency of the Synod.

- (a) A request for an opinion may be accompanied by a request for an appearance before the commission.
- (b) The commission shall notify an officer or agency of the Synod if a request for an opinion involves an activity of that officer or agency and shall allow that officer or agency to submit in writing information regarding the matter(s) at issue.
- (c) An opinion rendered by the commission shall be binding on the question decided unless and until it is overruled by a convention of the Synod. Overtures to a convention that seek to overrule an opinion of the commission shall support the proposed action with substantive rationale from the Constitution, Bylaws, and resolutions of the Synod. All such overtures shall be considered by the floor committee to which they have been assigned and shall be included in a specific report to the convention with recommendations for appropriate action.

When an opinion pertains to business, legal, or property matters and the Board of Directors of the Synod concludes that such opinion of the commission is contrary to the laws of the State of Missouri, the board and the commission, or their respective representatives, shall meet jointly to discuss the issue(s) and seek resolution thereof. If agreement cannot be reached on whether the matter is governed by the laws of the state of Missouri, that question shall be presented to a five-member panel consisting of three hearing facilitators (Bylaw 1.10.12) chosen by blind draw by the Executive Director of Internal Audit of the Synod from the pool of hearing facilitators; one person appointed by the Commission on Constitutional Matters; and one person appointed by the Board of Directors. At least one of the hearing facilitators shall be an attorney, and the appointees of the commission and board shall not be members of the groups that appointed them. The decision of the panel in support of the Commission on Constitutional Matters or the Board of Directors shall be binding on the issue(s) unless and until it is overruled by a convention of the Synod.

3.9.2.2.1 The Commission on Constitutional Matters shall examine all reports, overtures, and resolutions to the Synod asking for amendments to the Constitution and Bylaws of the Synod or which in any manner affect the Constitution and Bylaws, to determine their agreement in content with the Constitution and Bylaws of the Synod.

3.9.2.2.2 The Commission on Constitutional Matters shall be represented at the meetings of national convention floor committees considering constitution and bylaw matters to ensure that they are in accord with the Constitution, Bylaws, and resolutions of the Synod.

3.9.2.2.3 The Commission on Constitutional Matters shall examine the articles of incorporation, bylaws, and policy manuals of every agency of the Synod to ascertain whether they are in harmony with the Constitution, Bylaws, and resolutions of the Synod.

(a) Agencies intending to make amendments to articles of incorporation or bylaws shall make such intentions known and receive approval from the commission in advance.

(b) The commission shall maintain a file of the articles of incorporation, bylaws, and policy manuals of all agencies of the Synod.

### **[Appendix B]**

#### **BYLAW 3.9.2.2 (c) GUIDELINES**

Overtures may be submitted to a convention of the Synod requesting the overturn of a formal opinion of the Commission on Constitutional Matters. Floor committees assigned such overtures must consider them in light of the provisions set forth in Bylaw 3.9.2.2 (c):

(c) An opinion rendered by the commission shall be binding on the question decided unless and until it is overruled by a convention of the Synod. Overtures to a convention that seek to overrule an opinion of the commission shall support the proposed action with substantive rationale from the Constitution, Bylaws, and resolutions of the Synod. All such overtures shall be considered by the floor committee to which they have been assigned and shall be included in a specific report to the convention with recommendations for appropriate action.

In order to assist floor committees receiving overtures seeking to overrule an opinion of the commission, the commission respectfully offers the following background and information outlining how, based on substantive rationale, the commission arrives at its opinions.

#### **1. Understanding the Role of the Commission on Constitutional Matters and its Responsibility for Interpretation**

Dr. C.F.W. Walther stated in his 1879 essay, "Duties of an Evangelical Lutheran Synod," presented to the first Iowa District convention: "Therefore, anyone who joins a synod knows in advance: 'I am now becoming a member of an organization that is charged with the responsibility of supervising church affairs; I am also joining an organization that operates with a specific system of regulations [*Ordnung*], for without regulations it could not exist'" (*Essays for the Church, C.F.W. Walther, Vol. II, CPH, 1992*).

Through the delegation of responsibilities, the members of the Synod carry out what they themselves decide, which is expressed and set forth in the Synod's Constitution, Bylaws, and resolutions. Historically, the Commission on Constitutional Matters (CCM) has been responsible for providing the important service of interpretation of the Synod's Constitution, Bylaws, and resolutions, thereby assisting the members of the Synod in carrying out in a fitting and orderly manner the Synod's "church affairs" through its "system of regulations."

The commission does not develop policies or programs, nor does it supervise their implementation. The commission does not see to it that the Constitution, Bylaws, and resolutions of the Synod are carried out, nor does it interpret the Scriptures. Through its opinions, however, the commission does carry out its particular responsibility to interpret (between conventions) the collective will of the Synod as specified in the Constitution, Bylaws, and resolutions of the Synod. And while having no authority over any officer, board, or commission, the commission does state through its opinions/interpretations precisely what authority this Synod of self-governing congregations has reserved unto itself alone and what the Synod has delegated specifically to others.

In the commission's important function of interpreting, it thereby assists in the clarification and understanding of the Constitution, Bylaws, and resolutions for the members of the Synod, thereby helping to promote harmony and to prevent self-will, self-ambition, controversy, dissension, and division. This function of interpretation is stressed in the Bylaws of the Synod:

The Commission on Constitutional Matters exists to interpret the Constitution, Bylaws, and resolutions of the Synod and ensure that the governing instruments of the Synod and its agencies are in accord with the Constitution and Bylaws of the Synod. (Bylaw 3.9.2; see also Bylaw 3.9.2.2.3)

The Commission on Constitutional Matters shall interpret the Synod's Constitution, Bylaws, and resolutions upon the written request of a member (congregation, ordained or commissioned minister), official, board, commission, or agency of the Synod. (Bylaw 3.9.2.2)

The Commission on Constitutional Matters shall examine all reports and overtures to the Synod asking for amendments to the Constitution and Bylaws of the Synod or which in any manner affect the Constitution and Bylaws, to determine their agreement in content and language with the Constitution and Bylaws of the Synod. (Bylaw 3.9.2.2.1)

[Amendments to bylaws] shall be examined by the Commission on Constitutional Matters prior to presentation to the convention to determine that they are not in conflict with the Constitution and Bylaws of the Synod. (Bylaw 7.1.1 [c])

Underscored words and phrases in the preceding paragraphs [emphasis added] call attention to the need for interpretation to "ensure that the governing documents of the Synod and its agencies are in accord," to "determine their agreement in content and language," and to "determine that [amendments] are not in conflict" with the Synod's Constitution, Bylaws, and resolutions.

## 2. Understanding the Rules and Principles of Interpretation Used by the Commission on Constitutional Matters in Carrying Out its Responsibility for Interpretation

The commission, whose opinions substantially are based upon interpretation, follows rules or principles of interpretation to arrive at its opinions, including the following:

- Grammatical exegesis (deriving the meaning of a text), looking at the text as a literary document with a literary context and historical setting. Grammar, logical discourse, word meaning, and word usage are of utmost importance.
- Intended sense, recognizing that the author intended one, simple, seminal, certain, literal, ordinary, natural sense—not several meanings.
- Immediate context, noting the "passages," titles, subtitles, and section(s) immediately surrounding the text.
- Broader context, taking into consideration the entire chapter and/or document and its interrelationship with the text in question.
- Self-interpretation, allowing the governing document to interpret itself and its parts.
- Unity, recognizing the overall polity of the Constitution, Bylaws, and resolutions of the Synod and their unity of authorship, content, function, and purpose.
- Constitutional priority, allowing the Constitution of the Synod to control and supersede the Bylaws (Article XIV and Bylaw 7.1) and all other rules and regulations, and allowing the Bylaws to control and supersede all other rules and regulations.
- Clarity, granting that a text's clarity or lack thereof may be due to the blindness of the interpreter ("The sun is not less bright because a blind man cannot see it"—Gerhard).
- History, taking into consideration the genesis and historical context of a passage from the Constitution, Bylaws, or resolutions of the Synod.

## 3. Understanding the Use of Research by the Commission before Arriving at an Opinion/Interpretation

The commission is careful to utilize, as much as possible, basic and thorough research before arriving at its opinions. Such research includes in every case:

- The handbooks of the Synod, past and present. The first English language *Handbook* was produced and published in 1924. A collection of handbooks is maintained in the Office of the Secretary and is consulted regularly. Each commission member is given electronic copies of those handbooks.
- Convention workbooks and proceedings to study resolutions past and present—their origin and intended purpose. A collection of workbooks and proceedings is maintained in the Office of the Secretary and is consulted regularly. Each commission member is given electronic copies of convention proceedings.
- All relevant CCM opinions from 1947 to the present, honoring their binding nature while noting relevant constitution and bylaw changes/amendments since they were issued. Those opinions are maintained in the Office of the Secretary and are consulted regularly. Each commission member is given electronic copies of these CCM opinions.

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### *[Appendix C]*

## A BRIEF HISTORY OF THE COMMISSION ON CONSTITUTIONAL MATTERS

### Introduction:

A Synodical Survey Commission, which had been authorized by the 1956 convention of the Synod, gave its first report to the 1959 convention. It then gave a comprehensive report with recommendations to the 1962 convention (1962 *Convention Workbook*, pp. 228-268. The Commission on Constitutional Matters is referred to in this report on pp. 257-258). In order to be thorough in its work, the Survey Commission engaged Dr. August Suelflow as Research Secretary. He produced a historical document in 1961 entitled “*The Development of the Formal Administrative Structure of the LCMS from 1897 to 1961.*”

The following historical notes on the history of the Commission on Constitutional Matters covering the period from prior to 1923 through 1961 are gleaned from this document, with other research and documentary assistance provided by former Concordia Historical Institute Associate Director Marvin Huggins and Synod Secretary Raymond Hartwig.

Prior to 1923, an *ad hoc* committee elected by a convention of the Synod handled constitutional matters. The committee was usually comprised of three members. The Synod did much of its business until this time by *ad hoc* committees.

In 1923, a standing Committee on Constitutional Matters was created by convention resolution. It was to consist of three members and was to be represented at the meeting of the convention floor committee on constitutional matters.

In 1932, the Synod adopted a resolution instructing that all proposals seeking changes to the Constitution and Bylaws first be submitted to the Committee on Constitutional Matters.

In 1935, the Committee on Constitutional Matters was called on to investigate the existing appeals procedure with a view toward eliminating confusion. That same year, the committee issued an opinion on Constitution Article VII in *The Lutheran Witness*.

In 1941, when responding to a request from the Board of Directors of the Southern California District, the committee determined that it didn't have enough time to study Article VII and offer a response. The convention authorized a special *ad hoc* committee for this purpose.

In 1947, the Committee on Constitutional Matters, until this time elected by the convention, became a presidential appointment committee. The Secretary of the Synod was made an *ex officio* member.

In 1949, the Committee on Constitutional Matters was made responsible for amending the *Handbook* of the Synod after conventions.

In 1962, the functions of the Committee on Constitutional Matters were largely changed and enlarged to the current commission's responsibilities (cf. Bylaws 2.11 b and 2.113, 1963 Handbook). Membership consisted of two pastors, two laymen, and the Secretary of the Synod, appointed by the President in consultation with the vice-presidents of the Synod. One vice-president served as an advisory member. For the first time, committee's opinions were to be considered binding unless and until the Synod overruled them. The 1962 Convention Workbook states: "that [the committee] be charged with the responsibility of rendering an interpretation on the synodical resolutions in the event differences of opinion exist" (p. 257). The Bylaw adopted in 1962 states "The committee...shall interpret the Constitution, Bylaws and resolutions of the Synod in cases of controversy. Its opinions shall be binding unless and until the Synod overrules them" (cf. Synodical Survey Commission Report, 1962 Convention Workbook, pp. 257-258, and Res. 6-04 in the 1962 Convention Proceedings, p. 124).

In 1965, the role and duties of the "Commission on Constitutional Matters" were further described and supported (Res. 5-41, 1965 *Convention Proceedings*, p. 136).

In 1973, the appointment of the commission by the President was changed to include consultation with the Board of Directors. The commission now consisted of two pastors, two laymen (at least one of whom was to be an attorney), and the Secretary of the Synod. A vice-president was to be appointed by the President to serve as an advisory member (Res. 5-24, 1973 *Convention Proceedings*, p. 171).

In 1977, to address a concern that the commission was being unduly influenced by the Synod's administration, terms of office were lengthened to eight years, with only one member appointed every two years (Res. 5-07, 1977 *Convention Proceedings*, p. 161).

In 1992, the current method of nominating and appointing the commission was adopted (nominations only by district boards of directors acting singly, with five candidates from the nominations list elected by the Council of Presidents for each vacant position, presentation of the list to the President of the Synod, and appointment by the President of the Synod in consultation with the vice-presidents (cf. 2010 Bylaw 3.9.2.1.1) of the four appointive positions, the appointments to "become effective upon ratification by the Council of Presidents through a majority vote." The Secretary continued to serve as a voting member (Res. 5-04, 1992 *Convention Proceedings*, pp. 149-150).

In 1995, the Secretary of the Synod was made a non-voting member of the commission, it now also consisting of five voting members: three ordained ministers and two lawyers (Res. 7-15A, 1995 *Convention Proceedings*, p. 155).

In 2001, the Council of Presidents ratification requirement initiated by the 1992 convention (see above) was eliminated from the Bylaws (Res. 8-05, 2001 *Convention Proceedings*, pp. 183-184).

In 2004, Article V of the Articles of Incorporation were amended as follows (Res. 7-02A, 2004 *Convention Proceedings*, p. 152): "The management authority and duties of the Board of Directors of the Synod shall be limited to the extent such authority and duties are delegated by the Constitution and Bylaws of The Lutheran Church—Missouri Synod to other officers and agencies of the Synod. The management authority and duties of the Board of Directors and such other officers and agencies shall be defined in the Constitution and Bylaws, and each of them shall be responsible to the Synod for the proper and prudent fulfillment of the authority and duties so delegated to them. In the case of any conflict or uncertainty in determining the authority and duties of the Board of Directors and such other officers and agencies, the opinions of the Commission on Constitutional Matters interpreting the Constitution and Bylaws of The Lutheran Church—Missouri Synod shall be binding, unless and until overruled by a synodical convention." The Bylaws were also amended as follows (2004 *Convention Proceedings*, p. 153): "It 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" (Bylaw 3.3.5.5.[a] [2]) and "When opinions pertain primarily to

business, legal, finance, civil rights, contracts, or property matters, the commission shall first consult with the Board of Directors and/or the Synod's legal counsel" (Bylaw 3.9.2.2 [b]).

In 2007, the word "*regulations*" was amended to read "*governing instruments*" in Bylaw 3.9.2.2.4 (Res. 7-06A, *2007 Convention Proceedings*). The appointments to the commission are now once again ratified by the Council of Presidents (see the 1992 and 2001 postings above and amended Bylaw 3.9.2.1.1). Bylaw 3.9.2.2 was amended to require the commission to notify an officer or agency of the Synod if a request for an opinion involves an activity of that officer or agency, that overtures to a convention that seek to overrule an opinion of the commission shall support the proposed action with substantive rationale from the Constitution, Bylaws, and resolutions of the Synod and that any issues relative to the applicability of the laws of the State of Missouri shall be resolved in accord with specific provisions including a joint meeting of Board of Directors and commission representatives and if necessary, a five-member panel (*2007 Convention Proceedings*, Res. 8-01).

In 2010, the Bylaw provisions requiring the commission to revise the *Handbook* of the Synod immediately after each convention of the Synod to bring it into harmony with the resolutions or changes adopted by the convention and to maintain a complete file of succeeding handbooks so that a comparison can be made between current regulations and those immediately preceding (Bylaw 3.9.2.2.3, *2007 Handbook*) was delegated to the Commission on Handbook (Bylaw 3.9.4.2. [b] and [c], *2010 Handbook*) with the provision that the Commission on Handbook revise the *Handbook* after each convention in consultation with the Commission on Constitutional Matters. While there were no substantive changes made, *2007 Handbook* Bylaws 3.9.2.2.1, 3.9.2.2.2 and 3.9.2.2.4 were revised for clarification (*2010 Handbook* Bylaws 3.9.2.2.1– 3.9.2.2.3). However, the Commission on Handbook is now given the responsibility to assist convention floor committees when developing bylaw proposals asking for amendments to the Constitution, Bylaws, and Articles of Incorporation of the Synod or which in any manner affect the Constitution, Bylaws, and Articles of Incorporation to determine their agreement in language (terminology) with the current *Handbook*, thereby to maintain *Handbook* integrity and good order (*2010 Handbook*, Bylaw 3.9.4.2 [a]).

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