

Three Overtures for the 2016 Convention

OVERTURE ONE – TO SUPPORT PROPER ECCLESIASTICAL SUPERVISION IN SYNODICAL DISTRICTS

Whereas, in a recent case, charges of false doctrine against the accused party, who is a professor of theology at a private Lutheran university and a long-standing-and-vocal critic of the public doctrine of the LCMS, were dismissed; and

Whereas, his ecclesiastical supervisor, i.e., his district president, was responsible for this dismissal because he refused to initiate formal proceedings, but instead referred the case to a Referral Panel (Bylaw 2.14.5) that dismissed it; and

Whereas, serious doctrinal charges need to be heard by the proper adjudicatory authorities, i.e., in this case the Hearing Panel (Bylaw 2.15.7); and

Whereas, the most important work of a district president is to see that the doctrine of the Synod, as described in Article II of its Constitution, is upheld by all rostered church-workers under his supervision; and

Whereas, a district is the Synod “in that place,” thus making a district president an officer of the Synod, who is thus accountable to the national convention and its officers; and

Whereas, this recent action requires the President of the Synod to report such cases to the Synod (Constitution XI.B.2), but neither the Constitution nor the Bylaws provide a specific means by which it can be addressed and resolved other than by expulsion from the Synod (Bylaw section 2.15); therefore, be it

Resolved, that when a district president fails to act according to the Synod’s Constitution and bylaws, and refuses to heed the admonishment of the president of the Synod to act according to the Synod’s Constitution and bylaws, that the president of the Synod will report such cases to the Synod in its national convention, with all significant details in written documentation for the delegates, giving them sufficient time to review the matter; and be it further

Resolved, that unless the national convention resolves to terminate the matter by a simple majority vote, after that national convention has adjourned, the president of the Synod will proceed with discipline toward that district president by proceeding with the provisions of section 2.15 of the bylaws; and be it further

Resolved, that such action only entails removal from office for failure and refusal to act according to the duties of office, not expulsion from the Synod; and be it further

Resolved, that if the convention decides to terminate the matter, then the matter cannot be reviewed or appealed on the basis of the same action—or failure to act—of that district president; and be it further

Resolved, that the Bylaws of the Synod be amended accordingly by the Commission on Handbook to include this adjudicative process.

OVERTURE TWO – TO REQUIRE THAT DISTRICT PRESIDENTS GIVE CHURCH-WORKER INFORMATION TO CONGREGATION AND SCHOOL CALL COMMITTEES WHEN REQUESTED

Whereas, The Lutheran Church-Missouri Synod has a congregational-synodical polity in which the individual congregation's right of self-government is protected by Article VII of the synodical constitution; and

Whereas, one of the most important rights of congregations is their authority to call, elect, and ordain ministers of the church (see *Treatise on the Power and Primacy of the Pope*, 66-67; Tappert, 331; Kolb-Wengert, 340-341; McCain, et.al., 329); and

Whereas, both Martin Luther and C.F.W. Walther asserted that a bishop, superintendent, or district president "should confirm the one whom the congregation chose and called; if he does not do it, he [the elected man] is confirmed anyway by virtue of the congregation's call," thus proving that the right of calling and electing rests with the congregation, and is not shared with the district president (see *Luther's Works* 39:312; and C.F.W. Walther, *Church and Office* [Saint Louis: CPH, 2012], 217); and

Whereas, the calling and electing authority of the congregation does not exclude the seeking of counsel from the respective district president (LC-MS bylaw 2.5.1; Walther, *Church and Office*, 215, quoting *Treatise*, 14), but such counsel cannot infringe on the rights of the congregation to choose its own church-worker within the parameters set by the Constitution (Article VI.3) and Bylaws (2.5.2); and

Whereas, in the past triennium, at least one district president has infringed on the rights of the congregations in his district by refusing to give them information about church-workers whom they were considering for a call, resulting in severe prejudice against such church-workers; therefore, be it

Resolved, that all district presidents shall deliver to calling congregations or schools on a timely basis the information that they request about church-workers, such as their PIF and SET; and be it further

Resolved, that when calling congregations or schools discover that their district president has refused to cooperate with them in the calling process, they are encouraged to consult with the Secretary of the Synod, their regional Vice-President, and/or the President of the Synod, so that their needs may be met in the calling process and their rights as a Christian and Lutheran congregation be maintained.

OVERTURE THREE – TO REVIEW THE POWERS OF THE SYNODICAL PRESIDENT, SYNODICAL SECRETARY, COMMISSION ON CONSTITUTIONAL MATTERS, AND DISTRICT PRESIDENTS

Whereas, concern has been expressed for many years about the constant restructuring of the synod, which has over the years enhanced the powers of the synodical president, synodical secretary, Commission on Constitutional Matters, and district presidents (see, e.g., George F. Wollenburg, “An Assessment of LCMS Polity and Practice on the Basis of the Treatise” *Concordia Theological Quarterly* 49 #2-3 [April-July 1985]:87-116, available at: <http://media.ctsfw.edu/Text/ViewDetails/2076> ; and John C. Wohlrabe, Jr., “On Our Way to Episcopate,” available at: https://web.archive.org/web/20041204103522/http://www.consensuslutheran.org/downloads/wohrla_bemelrosepark2004.pdf ; accessed September 18, 2015); and

Whereas, such enhancement of powers not only is contrary to the democratic spirit of the United States, in which our synod works and has thrived, but is also contrary to the intention of the founders of our synod and, indeed, Jesus himself when he said: “The kings of the Gentiles exercise lordship over them. But not so with you; rather, let the greatest among you become as one who serves” (Luke 22:25-26; quoted by the *Treatise on the Power and Primacy of the Pope*, 8; Tappert, 320-321; Kolb-Wengert, 331; McCain, et.al., 320-321); therefore, be it

Resolved, that the national convention elect a seven member Task Force to serve for three years to: 1) review the powers of the synodical president, synodical secretary, Commission on Constitutional Matters, and district presidents in light of Scriptures, the Lutheran Confessions, and C.F.W. Walther’s book *Church and Office* (German *Kirche und Amt*); 2) review the congruence of the bylaws of the synod with its Constitution, understanding the Constitution to be the higher canonical authority; and 3) make specific recommendations to the 2019 convention for revisions to the bylaws, and if necessary the Constitution, so that our synodical and district offices remain offices of service under the lordship of Christ alone; and be it further

Resolved, that the election of this convention Task Force shall proceed as follows: 1) the election of Task Force members shall take place at the 2016 convention with time provided to prepare nominations from the floor; 2) floor nominations shall be made only for: a) persons who are already in the “nominations pool,” i.e., persons whose nomination forms and information were received by the 2016 Synodical Nominating Committee and who indicated agreement to serve for at least one position; b) persons who are presently serving in a synodical office, or on a board or commission, and who were originally elected by the national synod; c) persons who are completing their term of office without reelection, after serving in a synodical office, or on a board or commission, and who were originally elected by the national synod; 3) such floor nominations shall have written, or other appropriate, authorization for willingness to serve on this Task Force; 4) rules about holding multiple offices will not apply to service on this Task Force; 5) those elected shall include at least one ordained minister, one attorney, and one layman; 6) those elected shall be inducted into office in the regular manner, according to bylaw section 3.2.4.