



## A Response from the ACELC to CCM Opinion 11-2589 dated September 3-4, 2011

In a letter dated April 4, 2011, a pastor of the LCMS was prompted by the July 15, 2010, "Letter of Fraternal Admonition" issued by the Association of Confessing Evangelical Lutheran Congregations (ACELC) to seek answers from Synod's Commission on Constitutional Matters (CCM) regarding his concerns with the actions of the ACELC.

In CCM opinion 11-2589 four issues were addressed:

Issue 1: Under the Constitution, Bylaws, and resolutions of the Synod, must individual members or congregational members of the Synod follow the dissent procedures of the Synod if they disagree with or dissent from any of the Synod's stated doctrinal resolutions or statements? [See Attachment 01 for CCM Response to Issue 1.]

Issue 2: Under the Constitution, Bylaws, and resolutions of the Synod, must individual members or congregational members of the Synod follow the dispute resolution processes of the Synod if they have a dispute with another member of the Synod involving theological, doctrinal, or ecclesiastical issues? [See Attachment 02 for CCM Response to Issue 2.]

Issue 3: Under the Constitution, Bylaws, and resolutions of the Synod, what authority does an individual or congregational member of the Synod have in regard to ecclesiastical supervision in the LCMS? [See Attachment 01 for CCM Response to Issue 3.]

Issue 4: Under the Constitution, Bylaws, and resolutions of the Synod, what consequences are there if an individual member or a congregational member of the Synod disagrees with or dissents from any of the Synod's doctrinal resolutions or statements and does not follow the dissent processes of the Synod; and what consequences are there if an individual member or a congregational member of the Synod publicizes that another member of the Synod is not upholding the Synod's Constitution, Bylaws, and resolutions, doing so in a manner that does not honor the dispute resolution process of the Synod; and what consequences are there if an individual or a congregational member of the Synod attempt themselves or become a part of an organization which attempts to usurp the ecclesiastical supervision given to those persons authorized by the Synod to exercise ecclesiastical supervision? [See Attachment 04 for CCM Response to Issue 4.]

It should be noted that the CCM, in issuing their opinion, seems unaware of the actions which have been undertaken by the member congregations of the ACELC:

1. With respect to **the itemized errors identified in the ACELC's "Letter of Fraternal Admonition" of July 15, 2010**, which fall under the auspices and within the parameters of Synod's Dissent Process, (Bylaw 1.8.1 and 1.8.2), the errors have been submitted to the Commission on Theology and Church Relations in accord with those procedures. This means:
  - A. The member congregations of the ACELC are in full compliance with the appointed Dissent Process of the Synod.
  - B. The ACELC continues to address its concerns with our peers as a part of the Dissent Process of the Synod by addressing our concerns to the congregations of the Synod and their pastors. It should be noted that Bylaw 1.8.1 and 1.8.2, do not define "peers" and thus the ACELC understands our peers to be the "members" of Synod, namely, the Pastors and Congregations of the Synod.
  - C. Our continuing effort to bring our concerns to our peers throughout our Synod is for the

express purpose of engendering study of the concerns in the hope of eventually resolving these serious matters of doctrine and practice among us and thus to re-establish our unity in these matters in accord with the first objective of the Synod (Article III, 1):

"The Synod, under Scripture and the Lutheran Confessions, shall -- 1. Conserve and promote the unity of the true faith (Eph. 4:3 - 6; I Cor. 1:10)...and provide a united defense against schism, sectarianism (Rom. 16:17), and heresy."

Thus, when the CCM opined that:

"A member of the Synod, individual or congregation, and any organization of members of the Synod must follow the dissent procedures of the Synod."

The CCM is in agreement with the actions taken by the ACELC since they are in compliance with the Dissent Process in all matters pertaining to it.

**Therefore, Issue 1 is not applicable to the ACELC.**

2. With respect to **Issue 2**, the members of the ACELC have no interest in prosecuting any other member of the Synod under the provision of the Dispute Resolution Process (Bylaws 1.10.1 - 1.10.18.1) with respect to the matters it wishes to address.

A. Our intention is to promote Synod-wide study under Holy Scripture and our Lutheran Confessions respecting the errors we have identified, not to bring any other member of the Synod under discipline.

B. Again, our goal is to promote unity in our Synod's doctrine and practice by coming to consensus regarding the theological issues we are identifying and addressing.

C. Thus, we leave to our Synod's elected ecclesiastical supervisors the duty they have:

**"Ecclesiastical Supervision:** The responsibility, primarily of the President of the Synod and the district presidents, to supervise on behalf of the Synod the doctrine, life, and administration of its members, officers, and agencies." (Bylaw 1.2, (g))

**Therefore, Issue 2 is not applicable to the ACELC.**

3. With respect to **Issue 3**, the members of the ACELC hold in high regard the Synod's provisions for elected officials of the Synod to exercise ecclesiastical supervision over the members of the Synod. Thus, it was out of this regard that the ACELC submitted those concerns/errors (which are not subject to the Dissent Process but are tolerated errors among us) to the chief ecclesiastical supervisors of the Synod—the Praesidium for their action.

A. Since the errors/concerns we identified occur virtually synod-wide and since we wish only to arrive at theological resolution over such concerns/errors, we are in full compliance with Synod's provisions for ecclesiastical supervision by seeking intervention by the Praesidium as the duly elected chief ecclesiastical supervisors of the Synod.

B. Obviously, the ACELC has no control over the actions of the Praesidium respecting our identified errors/concerns nor would we presume to give them direction. We only hope they will take action to deal with those in error themselves to bring about repentance and unity among us.

**Therefore, Issue 3 is not applicable to the ACELC.**

4. With respect to **Issue 4**, the members of the ACELC:
  - A. Have complied with the Dissent Process (see item 1 above.)
  - B. Have merely provided the elected ecclesiastical supervisors of the Synod with specific evidence that the errors/concerns we have identified actually do occur within our Synod so that they may exercise their Bylaw obligations to deal with them appropriately. It should also be pointed out that had the ACELC not provided such evidence for the existence of these errors, the elected ecclesiastical supervisors would have no proper basis from which to take these concerns seriously and thus supervise their proper correction.
  - C. Have submitted the identified tolerated errors to the chief ecclesiastical supervisors of the Synod, thereby complying with the provisions of the Dispute Resolution Process.

By respecting the Dispute Resolution Process through proper submission of our concerns to the chief ecclesiastical supervisors of the Synod, and by submitting those errors which fall within the parameters of the Dissent Process to our peers and to the Commission on Theology and Church Relations, the member congregations of the ACELC are not attempting to usurp the functions of Synodical governance which the Synod holds to itself.

**Therefore, Issue 4 is not applicable to the ACELC.**

## Attachment 1 (CCM Response to Issue 1)

Excerpt from **Minutes, Commission on Constitutional Matters, Airport Crowne Plaza Hotel, St. Louis, September 3-4, 2011**, regarding Issue 1.

Pages 171-172 (PDF pages 8-9) The entire document is at the LCMS web site at <http://www.lcms.org/ccm>.

Issue 1: Under the Constitution, Bylaws, and resolutions of the Synod, must individual members or congregational members of the Synod follow the dissent procedures of the Synod if they disagree with or dissent from any of the Synod's stated doctrinal resolutions or statements?

Opinion: A member of the Synod, individual or congregation, and any organization of members of the Synod must follow the dissent procedures of the Synod. All members of the Synod commit to act in accordance with the Constitution and Bylaws of the Synod. Article XIV of the Constitution states:

The Synod in convention may adopt bylaws that are consistent with and do not contradict the Constitution of the Synod, which controls and supersedes such bylaws and all other rules and regulations of the Synod. Bylaws, which may be adopted, revised, or eliminated by a simple majority vote of a national convention, are binding regulations for the Synod and its conduct and governance.

Bylaw 1.3.4.1 states:

Members agree to uphold the confessional position of the Synod (Art. II) and to assist in carrying out the objectives of the Synod (Art. III), which are the objectives of the members themselves. Thus, while congregations of the Synod are self-governing (Art. VII), they, and also individual members, commit themselves as members of the Synod to act in accordance with the Constitution and Bylaws of the Synod under which they have agreed to live and work together and which the congregations alone have the authority to adopt or amend through conventions.

Bylaw section 1.8 indicates how brotherly dissent from doctrinal resolutions and statements by members of the Synod must be carried out. Bylaw 1.8.1 states:

While retaining the right of brotherly dissent, members of the Synod are expected as part of the life together within the fellowship of the Synod to honor and uphold the resolutions of the Synod.

Bylaw 1.8.2 states:

Dissent from doctrinal resolutions and statements is to be expressed first within the fellowship of peers and then brought to the attention of the Commission on Theology and Church Relations before finding expression as an overture to the convention calling for revision or rescision. While the conscience of the dissenter shall be respected, the consciences of others, as well as the collective will of the Synod, shall also be respected.

The 1973 report of the Commission on Theology and Church Relations, "Guiding Principles for the Use of 'A Statement of Scriptural and Confessional Principles, with Special Reference to the Expression of Dissent,'" was developed to support this procedure.<sup>i</sup>

The Commission on Constitutional Matters has opined on "Proper Dissent and Dispute by Members of the Synod" (05-2444) and refers the questioner and the Synod to that opinion.<sup>ii</sup> The Synod has given the responsibility for determining under which bylaw to proceed to be that of the ecclesiastical supervision of the district president and Synod President. The responsibility to determine whether or not members of the Synod or any organization of members have indeed done what the questioner indicates in his question is that of ecclesiastical supervision.

The questioner and the Synod are referred also to Question 3 of Opinion 05-2443:

Question 3: Is it in harmony with the Constitution and above bylaws of the Synod for any member of the Synod or any groups within the Synod to teach publicly, publicly advocate, or promote any position contrary to the position of the Synod?

Opinion: Again, the above-referenced 1969 opinion (dated October 16, 1969, entitled “Dissenting Groups and Activities Within the Synod”) speaks to this issue:

In this opinion the Commission is not attempting to limit the right of individuals to speak their own minds. Before and after the passage or rejection of synodical resolutions individuals must be free to express their concerns, especially to their peers. Frank and open discussion, carried on in a spirit of Christian love and forbearance, must be part of our life together in the Synod. It can be proper and salutary. However, in this opinion the Commission is addressing itself to the organizing of groups, to the calling of meetings, secret or open, to attempted manipulation of existing groups, to circularizing activities, and to a wide scale of joint actions, all of which by their very nature tend to polarize or fragment the constituency of the Synod, and thus have the effect of disrupting the synodical unity.

All members of the Synod and its congregations are to beware of the danger of groups and activities which divide and splinter the Synod. Synodical and district officers and board and commission members have a special responsibility to identify divisive and subversive movements and to avoid them. By their example and advice they are to conserve and promote the unity of the true faith and the oneness of the Synod.

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

## Attachment 2 (CCM Response to Issue 2)

Excerpt from **Minutes, Commission on Constitutional Matters, Airport Crowne Plaza Hotel, St. Louis, September 3-4, 2011**, regarding Issue 2.

Page 172 (PDF page 9) The entire document is at the LCMS web site at <http://www.lcms.org/ccm>.

Issue 2: Under the Constitution, Bylaws, and resolutions of the Synod, must individual members or congregational members of the Synod follow the dispute resolution processes of the Synod if they have a dispute with another member of the Synod involving theological, doctrinal, or ecclesiastical issues?

Opinion: Yes. Any Synod member, whether acting individually or as a member of an organization of members, must follow the dispute resolution processes of the Synod, just as he or she must follow the dissent processes of the Synod (Issue 1 above).

The dispute resolution processes of the Synod are under the following: Bylaw section 1.10 (procedures for disputes between members of the Synod), Bylaw sections 2.14–2.17 (procedures which could lead to expulsion from membership), Bylaw 3.10.4.7.9 (procedures for addressing complaints regarding faculty members of seminaries), and Bylaw 3.10.5.6.9 (procedures for addressing complaints regarding faculty members of colleges and universities).

All members of the Synod commit to act in accordance with the Constitution and Bylaws of the Synod (see Issue 1 above and its citation of Constitution Article XIV and Bylaw 1.3.4.1). That of course includes the bylaws governing the various dispute resolution processes of the Synod.

### Attachment 3 (CCM Response to Issue 3)

Excerpt from **Minutes, Commission on Constitutional Matters, Airport Crowne Plaza Hotel, St. Louis, September 3-4, 2011**, regarding Issue 3.

Pages 173-175 (PDF pages 10-12) The entire document is at the LCMS web site at <http://www.lcms.org/ccm>.

Issue 3: Under the Constitution, Bylaws, and resolutions of the Synod, what authority does an individual or congregational member of the Synod have in regard to ecclesiastical supervision in the LCMS?

Opinion: No individual or congregational member or organization of members of the Synod has any authority to provide ecclesiastical supervision in the Synod. The Synod has “identified those responsible for ecclesiastical supervision of its members, including such matters as advice and counsel, as well as suspension of membership and forfeiture of it for failure to continue to meet membership requirements” (Bylaw 2.1.2).

Bylaw 1.2.1 (g) defines ecclesiastical supervision in the Synod:

(g) *Ecclesiastical supervision:* The responsibility, primarily of the President of the Synod and district presidents, to supervise on behalf of the Synod the doctrine, life, and administration of its members, officers, and agencies. Such supervision, subject to the provisions of the Synod’s Constitution, Bylaws, and resolutions, includes visitation, evangelical encouragement and support, care, protection, counsel, advice, admonition, and, when necessary, appropriate disciplinary measures to assure that the Constitution, Bylaws, and resolutions of the Synod are followed and implemented. Thus, ecclesiastical supervision is also the presenting, interpreting, and applying of the collective will of the Synod’s congregations. Ecclesiastical supervision does not include the responsibility to observe, monitor, control, or direct the day-to-day activities of individual members of the Synod, whether in the conduct of their work or in their private lives (cf. Bylaw 2.14.1 [a]). Further, those constitutional articles and bylaws pertaining to ecclesiastical supervision shall determine the full definition of ecclesiastical supervision.

The permissibility under the Constitution and Bylaws of the Synod of establishing organizations whose purpose might usurp responsibilities which the Synod has reserved to itself has been previously raised on numerous occasions. A similar question was raised and answered in Opinion 05-2443, “Activity of Small Groups Within the Synod”:

On October 16, 1969, the Commission on Constitutional Matters issued a landmark opinion on the subject of “Dissenting Groups and Activities Within the Synod.” A portion of that opinion speaks directly to the question above:

The very nature and purpose of a synodical fellowship need to be restated once again. A synod is a “walking together.” The choice of the word “synod,” derived from the Greek, is significant because it emphasizes the idea of unity. For good reason our church body has chosen for itself the name: “The Lutheran Church—Missouri Synod.” We are congregations, pastors, and teachers who have decided to join hands and to walk together.

The Preamble of the Constitution has the sub-heading: “Reason for the Forming of a Synodical Union.” Union was the major concern in effecting the organization of the Synod. The concepts of fellowship, togetherness, brotherhood, and “walking together” express the basic purpose of the Synod’s existence.

The reasons given in the Preamble for forming the union are “1. The example of the apostolic church, Acts:15:1–31,” and “2. Our Lord’s will that the diversities of gifts should be for the common profit, 1 Cor. 12:4–31.” Once again the emphasis falls upon the idea of unity.

In Article III, Objects, the fundamental thrust of the Synod is not only clearly stated but is given preeminence. The first purpose of the Synod is listed as: "The conservation and promotion of the unity of the true faith (Eph. 4:3–6; 1 Cor. 1:10) and a united defense against schism and sectarianism (Rom. 16:17)." The Scripture references include the admonitions to preserve the unity of the Spirit in the bond of peace, to avoid all divisions, and to beware of division makers.

Objects 2, 3, 4, 5, and 6 continue with this theme. All of these imply the quest for oneness, its preservation and extension.

Objects 7 and 8 need special emphasis in view of the questions which have been raised regarding the formation and continuation of groups which attempt to carry out the purposes which the Synod reserves for itself:

7. The supervision of the ministers and teachers of Synod with regard to the performance of their official duties;
8. The protection of pastors, teachers, and congregations in the performance of their duties and the maintenance of their rights.

The Synod was organized and is maintained to carry out these objects. The congregations, pastors, and teachers who by their own free decision have joined the Synod have done so with the determination that the important functions described in Article III (and we would stress especially Objects 1, 7, and 8 in view of the questions which have been raised) should be carried out by the Synod. Any assumption of these responsibilities by secret or open, voluntary or auxiliary, new or established groups is disruptive of the synodical purpose and cannot be tolerated.

Christians as well as non-Christians expect differences of opinion and judgment to arise when people walk together. The Synod has provided for forums in which such differences can be discussed and evaluated beyond the confines of the local congregation. The pastors and teachers conferences; the circuit meetings; the synodical and District board, commission, and committee meetings; the doctrinal supervision and appeals procedures; and above all the conventions of the Districts and of the Synod provide the proper channels through which the issues of opinion and judgment are to be discussed and decided. In the absence of a clear word of God issues must be decided by the majority principle, applied in Christian love and with Christian restraint (Article VIII C). When the majority will has been determined, it must be respected. Otherwise life together (synod) becomes all but impossible. Discussion may indeed continue; but it needs to be carried on with full respect for the majority will and within the forums established by the Synod for the preservation of the synodical unity. If additional channels for discussion are needed the Synod can provide for the same in its Bylaws through appropriate convention action.

It is incongruous for separate groups to organize for the purpose of policing the members of the Synod; it is equally incongruous for groups to organize for the purpose of either shaping or nullifying a decision in an area of concern in which the Synod has reserved to itself the right of making decisions. Where the Synod has not reserved this right to itself (e.g., the decision to establish orphanages, high schools, old folks homes, hospitals), congregations and individuals have the right to effect an organization so long as its objectives and operations do not interfere with the purposes and functions of the Synod. However, where the Synod has reserved this right to itself (e.g., the administration of its colleges and seminaries; the supervision of doctrine; the declaration of fellowship with other church bodies), congregations and individuals have no right under the Constitution of the Synod without the express approval of the Synod to effect organizations to achieve purposes for which the Synod itself exists or to carry on activities which rightfully belong to the duly elected or appointed officials of the Synod. Under these circumstances such organizations become divisive and schismatic and therefore subversive of the very purposes of the Synod.

Accordingly, and in response to the question submitted to the Commission, it is not in harmony with the Constitution and Bylaws of the Synod for a member of the Synod or an unofficial group within the Synod to assume such responsibilities as the Synod has reserved for itself in its stated objectives, "which are the objectives of the members themselves" (Bylaw 1.3.4).

The Synod, an “association of self-governing Lutheran congregations” (Bylaw 1.2.1 [v]), established its church polity under the Scripture and Lutheran Confessions in order to subscribe (accept without reservation) collectively to and apply the Scripture and Lutheran Confessions together in unity. Although *de jure humano*, the Constitution, Bylaws, and other rules and regulations of the Synod are not to be regarded as opposed to Holy Scripture and the Lutheran Confessions. The Constitution and Bylaws of the Synod are not an antithesis to Holy Scripture and the Lutheran Confessions. These are agreements under Holy Scripture by Christian brothers and sisters to carry out the Synod’s very scriptural purposes. Even though polity falls under adiaphora, the Synod’s polity has a definite biblical character to it. The Synod’s policy is based on various theological principles.<sup>iii</sup> One such principle is ecclesiastical supervision. The Synod’s polity is also a covenant of love based on another principle, the law of Christian love.

As a covenant of love under the Holy Scriptures and the Lutheran Confessions, and with a subscription without reservation to the common confessional position (Constitution, Articles II and VI), the association of self-governing congregations (Bylaw 1.2.1 [v]), which expresses its interpretation and understanding of Holy Scripture and the Lutheran Confessions through its collective will in the adopted resolutions in convention assembled (Bylaws 1.8.1 and 1.8.2), which establishes and evaluates all of the Synod positions, policies, programs, directions, and priorities (Bylaw 3.1.1), and which determines whether or not any action or decision of officers, boards, and commissions are in conformity with the Synod’s Constitution, Bylaws, and resolutions (cf. Bylaw 1.4.1), established ecclesiastical supervision as an integral part of the “business of the Synod,”<sup>iv</sup> “the execution of synodical business”<sup>v</sup> and for the benefit of its members “to promote and maintain unity of doctrine and practice” (Articles III, XI, and XII; Bylaws 3.3, 4.4.1–4.4.6, emphases added), and which supervision inherently is to be exercised on the basis of that same collective will and understanding.

Ecclesiastical supervision and to promote and maintain unity of doctrine and practice are therefore responsibilities that the Synod has reserved for itself. Attempts by a member or a group of members to exercise ecclesiastical supervision when it has not been given to them by the Synod through the Synod’s agreed-upon procedures and/or to promote and maintain unity of doctrine and practice in a manner not within the covenants of the procedures established in the Synod’s Constitution and Bylaws are violations of members’ covenants together.

See also the reference to CCM Opinion 05-2443 in the response to Issue 1 above.

## Attachment 4 (CCM Response to Issue 4)

Excerpt from **Minutes, Commission on Constitutional Matters, Airport Crowne Plaza Hotel, St. Louis, September 3-4, 2011**, regarding Issue 4.

Pages 175-177 (PDF pages 12-14) The entire document is at the LCMS web site at <http://www.lcms.org/ccm>.

**Issue 4:** Under the Constitution, Bylaws, and resolutions of the Synod, what consequences are there if an individual member or a congregational member of the Synod disagrees with or dissents from any of the Synod's doctrinal resolutions or statements and does not follow the dissent processes of the Synod; and what consequences are there if an individual member or a congregational member of the Synod publicizes that another member of the Synod is not upholding the Synod's Constitution, Bylaws, and resolutions, doing so in a manner that does not honor the dispute resolution process of the Synod; and what consequences are there if an individual or a congregational member of the Synod attempt themselves or become a part of an organization which attempts to usurp the ecclesiastical supervision given to those persons authorized by the Synod to exercise ecclesiastical supervision?

**Opinion:** The Synod has reserved for its members processes for dissent (Bylaw section 1.8), resolving disputes (Bylaw sections 1.10, 2.14–2.17: Bylaws 3.10.4.7.9 and 3.10.5.6.9), and ecclesiastical supervision (Bylaws 1.2.1 [g]; 2.1.2).vi For any member or organization of members to advocate disagreement with and unwillingness to use the Synod's Bylaws without following the approved dissent procedures or dispute resolution procedures invites the member's/members' ecclesiastical supervisor(s) to use those same Synod-established procedures to discipline them.

The permissibility under the Constitution and Bylaws of the Synod for a member or any association or organization of members to advocate not following a bylaw of the Synod has been previously raised. During a time when the Synod was dealing with a controversy within the Synod with regard to the certifying, placing, calling, ordaining, and installing graduates of Seminex, the Commission on Constitutional Matters issued its October 11, 1974 landmark opinion, "An Analysis of Assertions in Present Controversy."vii A portion of that opinion, in answer to a common objection raised at that time, namely, "Christians are ruled not by laws but by the Gospel," speaks to this issue:

There are several ways in which this theme has been stated in denigrating the Constitution and Bylaws of the Synod and thus finally making them of no effect...

So much can be said for the law of God. It has a place in the life of the Christian. But is there room for human, man-made laws in the life of Christians together? We submit that there is. Whenever two individuals, even Christian people, enter into a relationship with each other—whether it be in marriage or in a business partnership or in whatever relationship it may be—certain agreements, rules, contracts, covenants—"laws," if you will—become necessary. The same is true when Christians join together as a worshiping and serving community of God in the world. It is customary for Lutheran congregations to use not only the Bible and the Lutheran Confessions but also unwritten traditions and especially written Constitutions and Bylaws as instruments under which they agree to govern themselves. This is true also of larger federations of Christians, such as agencies, councils, and synods.

In our Synod we make certain commitments to one another. We agree what we shall do and how we shall do it and why we shall do it. These agreements are spelled out in a Constitution, in Bylaws, and in resolutions. We promise to walk together according to the agreements that we have made. We pledge one another our word.

Since Christians recognize the law of Christian love as the highest law of human conduct, it governs also our life together within the Synod. In Christ we love those with whom we have joined hands and to whom we have given our pledge, and so we keep our word to them. We carry out our solemn covenants and agreements. To set aside any article of the Constitution, a bylaw, or even a resolution of the Synod, simply because in our personal estimation it is not acceptable, means to exalt our own will above the will of the Synod stated especially in its Constitution and Bylaws. That would be self-seeking, self-righteousness, judgmental, and loveless. This is not the way of Christians with one another.

To be sure, there are genuine instances when conscience is involved. It may be a conscience instructed by the Word of God or it may be an erring one. Lutherans are sensitive to the plea of conscience. Lutherans sometimes forget, however, that Martin Luther placed his great emphasis on the conscience which is informed and instructed by the Word of God. We need to guard against using conscience as a misnomer for person desire and opinion. The Synod has always made provision to respect the genuine demands of conscience. However, the individual who is troubled in his conscience must also respect the conscience of those who do not agree with him and be prepared to support his position from the Word of God. As our teachers have so long pointed out, one must distinguish carefully between the giving of offense and the taking of offense. If the Synod were to halt its operations whenever someone takes offense at its action, the Synod would be paralyzed. To be sure, the Synod must be on its guard never to give offense. But the individual, over against the Synod, must also exercise great care that he is truly governed by love and not by self-interest or self-will.

To bring all this down to the issue with which we are dealing: It is a breach of Christian love to place self-will above the mutually agreed upon will of the Synod as it has stated it in its Constitution and Bylaws.

That 1974 opinion of the commission, while in regard to certifying, placing, calling, ordaining, and installing graduates of Seminex, applies to any other area of our life together which the Synod has reserved to itself alone.

On August 29–30, 2009, in answer to a question in reference to the commission’s earlier Opinion 08-2524 regarding 2004 convention Resolution 3-05A, “Binding Force Resolutions” (whether other Synod resolutions were equally binding with similar attending disciplinary action), the commission opined:

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

Under the assumption that 2004 Res. 3-05A is in accordance with the Word of God, the Synod expects every member congregation of the Synod to respect the resolution and consider it of binding force (cf. Bylaw 1.7.2). Bylaw 1.6.2 states, “Such resolutions come into being in the same manner as any other resolutions of a convention of the Synod and are to be honored and upheld until such time as the Synod amends or repeals them” (emphasis added; cf. also Bylaw 1.8.1). Bylaw 1.7.1 further states, “The Constitution, Bylaws, and all other rules and regulations of the Synod apply to all congregational and individual members of the Synod.”

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

In summary, all Synod members, including organizations of Synod members, must follow the Synod’s bylaws regarding dissent, dispute resolution, and ecclesiastical supervision. To do otherwise invites the member’s/members’ ecclesiastical supervisor(s) to use those same Synod-established procedures to discipline them.