

March 20, 2006

Board of Directors
c/o Rev. Raymond Hartwig
The Lutheran Church-Missouri Synod
1333 St. Kirkwood Rd.
St. Louis, Missouri 63112

Dear Rev. Hartwig,

I am writing regarding the role of the Synodical Board of Directors vis-à-vis the lawsuit filed by David L. Anderson et. al.

Let me first state the LCMS has been a blessing in my family's life. I was baptized and confirmed in the Wyoming District. My wife and I moved to Chicago in 1968, and soon thereafter relocated to California. It has been my pleasure to serve our Lord through my LCMS churches. Our two children matriculated from LCMS elementary and high schools and graduated from Concordia University. In a secular role I serve as Planning Commissioner for the City of Mission Viejo, California.

I appreciate the Board refusing to bring this lawsuit itself, but I am concerned if this case now comes as a friendly suit, i.e. as a stalking horse advocating for the sympathies of the majority of the Board. Part of my concern emanates from the attempt of this lawsuit to increase the powers of the Board of Directors. Based on the previous similar position by the Board, this would seem to create an inherent conflict of interest for the majority of the Board.

It would likewise be of concern to me if any member of the Negotiating Committee had a special or family relationship with any of the plaintiffs. This could raise questions of collusion in precipitating the suit and pose serious ethical questions regarding conflicts of interest.

It is common for corporations to preclude participation by a director or officer whenever there is a conflict, or an appearance of a conflict, between the individual's personal interests, financial or otherwise, or professional interests, and his or her fiduciary duties or duties of loyalty to the organization. The law also holds Board members owe a duty of loyalty, as well as a fiduciary duty, to shareholders. In the case at hand, these duties are owed to our Synod membership, based on the Synod's actions and resolutions.

The By-Laws of the LCMS require the Board to “honor and uphold the resolutions of the Synod” (§1.8.1), and respect the “collective will of the Synod” (§1.8.2). It appears inconsistent for the Board to compromise in a lawsuit which challenges the collective will of the Synod. It would be natural for the church body to perceive such negotiations with distrust and with concerns about conflicts of interest.

The By-Laws require resolution of conflicts among members to be conducted through the Church (§1.10), excepting only matters regarding property rights and contracts. To the extent the plaintiffs are violating the By-Laws by initiating a lawsuit, instead of seeking resolution through a Synod conference, their superiors should counsel them in the Word, pursuant to the purposes described in §1.10.

It is my hope and expectation that my LCMS Board of Directors will maintain it's duty to the membership, to Synod's previous actions, and to underlying ecclesiastical determinations of the LCMS, by purging any conflicts of interest, and by declining to negotiate any substantive issues in the lawsuit.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Morton". The signature is written in a cursive style with a large, sweeping initial "B" and a long, trailing flourish at the end.

Brad Morton