



Preliminary Minutes

Evangelical Lutheran Church in America

Eighth Biennial Churchwide Assembly

August 11-17, 2003—Milwaukee, Wisconsin

Plenary Session Nine

Friday, August 15, 2003
2:00 P.M.—4:30 P.M.

The Rev. Mark S. Hanson, presiding bishop of the Evangelical Lutheran Church in America, called the ninth plenary session to order at 2:02 P.M. (Central Daylight Time) on Friday, August 15, 2003, in Halls A-C of the Midwest Airlines Center at Milwaukee, Wisconsin.

Social Statement on Health and Health Care: “Caring for Health: Our Shared Endeavor”

(Reference: 2003 Pre-Assembly Report, Section IV, pages 16-27; Report of the Ad Hoc Committee on Amendments.)

Presiding Bishop Hanson stated that the next order of business was consideration of the social statement: “Caring for Health: Our Shared Endeavor.” Hearings were conducted earlier in the assembly and the *ad hoc* committee on amendments to the social statement provided a report on amendments offered.

The presiding bishop told the voting members that if approved, this would be the ELCA’s eighth social statement. He continued, “Social statements are important documents for us as a church. They guide us as we ‘step forward as a public church,’ giving foundations for the public speech of all those who speak in response to public policy issues.” The presiding bishop indicated that he and his two predecessors as presiding bishops were grateful for the strong foundation of the existing social statements when requests have come to make a statement on a variety of public policy issues.

As with the consideration of the evangelism document earlier in the assembly, the process of adoption began with the report and recommendations from the *ad hoc* committee. In this instance there were two primary recommendations: the first, to incorporate the amendments to the document; and the second, to approve amendments to the implementing action. The chair asked members to keep two things close at hand: the report of the *ad hoc* committee, and the document and implementing resolution from the 2003 Pre-Assembly Report.

Unlike the earlier consideration of the evangelism strategy, the chair explained that after acting on the *ad hoc* committee’s recommendations, he would then move to consideration of the implementing resolution. Presiding Bishop Hanson told the assembly that if discussion was not completed in Plenary Session Nine, the discussion of the social statement would resume the following day.

The presiding bishop asked the following resource people to join him on stage for the discussion:

The Rev. Rebecca S. Larson, executive director of the Division for Church in Society;

The Rev. Herbert E. Anderson, chair of the task force;
The Rev. Denver W. Bitner, chair of the board of the Division for Church in Society;
Dr. Cynda Ann Johnson, member of the task force;
The Rev. John R. Stumme, director for studies for the Division for Church in Society;
The Rev. Ronald W. Duty, associate director for studies in the Division for Church in Society; and
The Rev. Jonathan L. Eilert, a member of the Church Council and chair of the *ad hoc* committee on amendments.

The Rev. Lowell G. Almen, secretary of the Evangelical Lutheran Church in America, introduced the implementing resolution to place the social statement before the assembly.

Moved;

Seconded:

1. To adopt “Caring for Health: Our Shared Endeavor” as a social statement of the Evangelical Lutheran Church in America, in accordance with Policies and Procedures of the Evangelical Lutheran Church in America for Addressing Social Concerns (1997), with the addition of a new sentence to line 34 to read:

Increasing malpractice costs force medical professionals to leave poorer areas of the country, creating shortages of qualified workers in rural and inner city locations.

2. To call upon members of the Evangelical Lutheran Church in America to renew their prayer for the health and healing of all people, to strengthen their congregations as communities of healing, to study the scriptural witness to the God of healing, and to participate in the shared endeavor of health care in their daily lives, using the social statement “Caring for Health: Our Shared Endeavor” to help form their judgments and carry out their commitment;

3. To challenge all members of this church to become good stewards of their own physical and mental health by attending to preventive care, personal health habits, diet, exercise, and recreation, and by making prudent use of health-care resources;

4. To urge all members of this church to develop reasonable expectations for their own health and for the health care they receive at each stage of life and to engage in thoughtful preparation with health-care professionals and loved ones for difficult choices in their health care;

5. To encourage congregations and church-related institutions to be centers for dissemination

of health education for their members and their communities;

6. To call upon all pastors, other rostered leaders, teaching theologians, bishops, and other church leaders to give renewed attention to the healing dimensions of Scripture, liturgy, hymnody, prayer, pastoral care, and other forms of ministry;

7. To exhort all church leaders to help members of this church in vocations of health, healing, and health care to see their work as a part of God's healing work in the world, and to encourage members to enter these vocations;

8. To challenge all congregations, synods, social ministry organizations, public policy advocacy ministries, other affiliated organizations of this church, and all churchwide units to carry out the substance and spirit of this statement, and to intensify their work with Lutheran Services in America and various ecumenical, interfaith, and secular groups in pursuit of its commitments;

9. To urge all members of this church to study the policy statement on health ministry of the Division for Global Mission to increase understanding of global health issues;

10. To direct the Division for Church in Society, in cooperation with other churchwide units, to provide leadership and consultation on the basis of this social statement;

11. To request that the Division for Congregational Ministries, in consultation with the Division for Church in Society, develop worship and educational resources to interpret this social statement;

12. To encourage all churchwide units to model the principles of this social statement in their ongoing work and relationships with employees, and to exhort all congregations, synods, and affiliated organizations to do the same;

13. To direct the Lutheran Office for Governmental Affairs to advocate that all people living in the United States of America and its territories have timely access to a basic level of preventive, acute, and chronic physical and mental health care at an affordable cost, to call upon all state public policy offices of this church to do the same, and to urge congregations and members of the Evangelical Lutheran Church in America to share in this endeavor;

14. To request that the Division for Ministry (a) study the current trends and future needs for ministries in health-care chaplaincy, pastoral counseling, and clinical education; (b) examine the clinical and academic education need for the future of these ministries; and (c) present the findings and possible recommendations for action to the board of the Division for Ministry by the end of the year 2005; and

15. To urge that the Division for Global Mission continue (a) to cultivate connections with churches

and social ministry organizations worldwide; (b) to stimulate awareness in this church of global health issues; and (c) to call upon partner organizations to do the same.

Bishop Hanson asked voting members to remember that as the assembly moved to consideration of the document, that the amendments that were submitted had been incorporated into the *ad hoc* committee's report and their actions, so that there would be no need to move those amendments individually.

Pr. Eilert, the chair of the *ad hoc* committee on amendments to the social statement, was recognized to provide an overview of the committee's process and recommendations. Pr. Eilert expressed thanks for the voting members' care and concern for the issues represented in the submitted amendments, and the willingness to enter into the dialogue. He said that committee regarded the proposed amendments as adding strength to the document. He then reviewed the amendments reported by the committee.

Ms. Nancy Nielsen [Sierra Pacific Synod] subsequently moved adoption of the amendments as detailed in the report of the *ad hoc* committee.

**Moved;
Seconded:**

To amend "Caring for Health: Our Shared Endeavor" as follows:

To amend line 6 by substitution:

Caring for one's own health is a matter of common sense human necessity and good stewardship.

To amend line 352 by adding a new sentence after "nourishes and sustains.":

Music and hymns often bring comfort and healing to those who are suffering.

To amend line 355 by substitution:

Congregations provide people with community and support acceptance, support, and community, listening...

To amend lines 364-367 by substitution:

Some congregations develop specific health ministries that include counseling centers, wellness programs, and parish nurse ministries: health care advocacy, and congregational health ministry teams.

To further amend line 367 by adding after "ministry teams":

Parish nurse ministries provide for wellness programs, including health screening and health education.

To amend line 369 by moving the first item ("inform themselves of global health concerns and support global ministries of health.") to after line 394.

To amend line 373 by addition of a new item:

• to ensure full participation of all people in the life of the congregation by removing physical and other barriers;

To amend line 450 by inserting after “most often neglected”:
, especially those with limited financial resources.

To amend lines 638-643 by substitution:
~~When death is likely or imminent, a peaceful death should become the goal of a health care system, sought as confidently and competently as its other goals through adequate palliative care and services such as hospice. Our health care system should not abandon those who are dying. Our health care system should not abandon those who are dying. When death is imminent, peaceful dying should become a goal of health care, sought as confidently and competently as other goals of health care through adequate palliative care and services such as hospice.~~

To amend line 646 by addition:
...workers, ~~and~~ volunteers, and family members is a central, not a secondary, obligation of a health care system.

To amend line 654 by substitution:
...vocations and ~~supporting~~ encouraging the recruitment of sufficient numbers of caregivers...

To amend line 660 by substitution:
This church recognizes that the fruits of medical research and innovation are often means through which God blesses and heals creation. ~~This church~~ It commends...

To amend lines 855-858 by deleting the two sentences after “also are finite”:
~~Health is a means for service to God and our neighbor in love. We can serve others in particular ways while we have health, even though we cannot do everything. Yet h~~Health eventually fails;

Bishop Hanson called for discussion of the omnibus amendments; there being none, he asked the assembly to vote on the recommended amendments in the committee report.

Moved;

Seconded;

Carried:

Yes-948; No-17

To amend the social statement “Caring for Health: Our Shared Endeavor” as follows:

To amend line 6 by substitution:
~~Caring for one’s own health is a matter of common sense~~ human necessity and good stewardship.

To amend line 352 by adding a new sentence after “nourishes and sustains.”:
Music and hymns often bring comfort and healing to those who are suffering.

To amend line 355 by substitution:
~~Congregations provide people with community and support~~ acceptance, support, and community, listening...

To amend lines 364-367 by substitution:
Some congregations develop specific health ministries that include counseling centers, wellness programs, and ~~parish nurse ministries, health care advocacy, and congregational health ministry teams.~~

To further amend line 367 by adding after “ministry teams”:
Parish nurse ministries provide for wellness programs, including health screening and health education.

To amend line 369 by moving the first item (“inform themselves of global health concerns and support global ministries of health.”) to after line 394.

To amend line 373 by addition of a new item:
• to ensure full participation of all people in the life of the congregation by removing physical and other barriers;

To amend line 450 by inserting after “most often neglected”:
, especially those with limited financial resources.

To amend lines 638-643 by substitution:
~~When death is likely or imminent, a peaceful death should become the goal of a health care system, sought as confidently and competently as its other goals through adequate palliative care and services such as hospice. Our health care system should not abandon those who are dying. Our health care system should not abandon those who are dying. When death is imminent, peaceful dying should become a goal of health care, sought as confidently and competently as other goals of health care through adequate palliative care and services such as hospice.~~

To amend line 646 by addition:
...workers, ~~and~~ volunteers, and family members is a central, not a secondary, obligation of a health care system.

To amend line 654 by substitution:
...vocations and ~~supporting~~ encouraging the recruitment of sufficient numbers of caregivers...

To amend line 660 by substitution:
This church recognizes that the fruits of medical research and innovation are often means through which God blesses and heals creation. ~~This church~~ It commends...

To amend lines 855-858 by deleting the two sentences after “also are finite”:
~~Health is a means for service to God and our neighbor in love. We can serve others in particular ways while we have health, even~~

~~though we cannot do everything. Yet health eventually fails;~~

Bishop Hanson announced that the assembly could then consider any additional amendments to the social statement.

Pr. Robert L. Hoover Jr. [Allegheny Synod] rose to offer an amendment to one of the implementing resolutions. The chair asked him to hold that motion until after the consideration of the amendments to the social statement text.

Bishop Hanson recognized Mr. Jonathan M. Pfeiffer [Grand Canyon Synod] who moved to amend by substitution:

Moved;

Seconded: To amend line 21 by substitution:
...its faith in technology to overcome ~~them~~ death and suffering.

Mr. Pfeiffer explained that he felt that his amendment would make the sentence easier to read for a first-time reader.

The parliamentarian reminded the chair of a rule of the assembly that required amendments to social statements to be submitted in advance.

Moved;

Seconded: **Yes-382; No-549**

Defeated: To amend line 21 by substitution:
...its faith in technology to overcome ~~them~~ death and suffering.

Bishop Hanson then informed voting members that “less than substantive” amendments to the social statement could be received, but if any substantive amendments were to be considered from the floor of the assembly, the assembly would first need to vote to suspend the rules to consider them.

The Rev. Patricia A. Snyder [Lower Susquehanna Synod] moved to amend by substitution:

Moved;

Seconded: To amend line 638 by substitution:
...death is likely or ~~imminent~~ inevitable.

Speaking to her amendment Pr. Snyder noted that death could be imminent but still preventable, and therefore not inevitable. Palliative care should be offered from the time death becomes inevitable, rather than only when death is imminent.

Speaking for the committee, Dr. Cynda Johnson told the assembly that she did not support the proposed change because the hope is that the health care system becomes involved before death is inevitable. “Services for peaceful dying can be offered before death is inevitable.”

The presiding bishop asked the voting members to vote on the amendment.

Moved;

Seconded: **Yes-71; No-895**

Defeated: To amend line 638 by substitution:
...death is likely or ~~imminent~~ inevitable.

The presiding bishop cautioned voting members that deadlines had been announced for submission of amendments to be considered for the social statement by the *ad hoc* committee, and that any further amending at that point would alter the assembly’s agenda.

Mr. James Parker [Northwestern Ohio Synod] rose to amend the report of the *ad hoc* committee by reinstating the language struck in the first implementing resolution regarding malpractice insurance.

The chair ruled that the motion would be out of order since the assembly was not considering amendments to the implementing resolutions, but was dealing with the text of the social statement.

Mr. Randy Schatz [Northwestern Minnesota Synod] moved to end debate.

Moved;

Seconded: To move the previous question.

Two-Thirds Vote Required

The presiding bishop indicated that there was no question before the assembly at that time, because the question would be the resolution that Secretary Almen read, further indicating that a vote would not be taken on the social statement itself. The presiding bishop went on to say that the assembly was just considering amendments, and asked the speaker if he wanted to conclude the process for considering amendments to the social statement. Mr. Schatz indicated that this was his intention.

Moved;

Seconded;

Carried:

To consider no further amendments to the social statement on health care.

Two-Thirds Vote Required

Voting Cards

Bishop Hanson indicated that no additional amendments to the text of the social statement would be considered, and asked for discussion of amendments to the implementing resolutions.

Pr. Eilert read the recommended amendments of the *ad hoc* committee to the implementing resolutions.

Ms. Mary Page [Southwestern Minnesota Synod] moved adoption of the amendments to the implementing resolutions as presented in the *ad hoc* committee’s report.

Moved;

Seconded:

To amend the implementing resolutions for the social statement “Caring for Health: Our Shared Endeavor” as follows:

To amend paragraph one by deleting all text following “(1997),”:

~~... (1997), with the addition of a new sentence to line 34 to read:~~

~~Increasing malpractice costs force medical professionals to leave poorer areas of the country, creating shortages of qualified workers in rural and inner city locations.~~

To amend paragraph ten by insertion after the words “on the basis of this social statement”:

and to provide information on congregational models for health ministries.

To amend paragraph thirteen by addition:
To direct the Lutheran Office for Governmental Affairs to advocate that all people living in the United States of America, Puerto Rico, and ~~its~~ U.S. territories...

To further amend paragraph thirteen by substitution:
...have ~~timely~~ equitable access to a basic level of preventive, acute, and chronic physical and mental health care at an affordable cost...

To further amend paragraph thirteen by addition:
and to urge synods, congregations, and members of the Evangelical Lutheran Church in America to share in this endeavor.

Mr. James Parker [Northwestern Ohio Synod] moved that the assembly reinstate the language deleted from paragraph one.

Moved;
Seconded: To amend by reinstating language to be deleted from paragraph one:
...(1997), with the addition of a new sentence to line 34 to read:
Increasing malpractice costs force medical professionals to leave poorer areas of the country, creating shortages of qualified workers in rural and inner city locations.

Mr. Parker said that this language was needed because the rising cost of malpractice insurance had led to the movement of physicians away from rural areas to cities, or to dropping higher risk portions of their practice.

The Rev. David E. Monsen [Southwestern Washington Synod] opposed reinstating the text because “practitioners leave rural areas for multiple reasons including lower reimbursement rates by Medicare.” He said, “If we put in one example, we need to put in an arms length of examples.” He had originally requested the removal of the sentence.

Dr. Johnson, responding for the committee, expressed concern that the social statement was meant to be a durable document and that language that narrowly addressed the circumstances of the moment would not be helpful to the document. She also cited several contributing factors for physicians leaving rural areas.

Ms. Jan Behrens [Greater Milwaukee Synod] urged members to vote against the amendment to reinstate the language regarding malpractice. She indicated that malpractice was only a minor portion of the issue and that the amendment would narrow the focus of the statement. There were also other concerns that she felt did not receive the attention they deserved.

Mr. Brian D. Rude, resource person from the Church Council, said that he was disappointed when the task force completed its work and the report contained no mention of medical malpractice costs. The language the amendment sought to restore was added by the Church Council. Mr. Rude said, “If we care about health care in rural areas and inner cities, we must care about the costs of medical malpractice.” He spoke in favor of restoring the Church Council’s language.

The Rev. Rebecca W. Knox [Northeastern Pennsylvania Synod] asked to clarify what the assembly would be voting on. The presiding bishop indicated that the assembly would be voting only on the amendment.

Moved;
Seconded; **Yes-390; No-575**
Defeated: To amend by reinstating language to be deleted from paragraph one:
...(1997), with the addition of a new sentence to line 34 to read:
Increasing malpractice costs force medical professionals to leave poorer areas of the country, creating shortages of qualified workers in rural and inner city locations.

Bishop Hanson called for a vote on the omnibus motion on the amendments to the implementing resolutions recommended by the *ad hoc* committee:

Moved;
Seconded; **Yes-911; No-61**
Carried: To amend the implementing resolutions for the social statement “Caring for Health: Our Shared Endeavor” as follows:
To amend paragraph one by deleting all text following “(1997),”:
... (1997), with the addition of a new sentence to line 34 to read:
Increasing malpractice costs force medical professionals to leave poorer areas of the country, creating shortages of qualified workers in rural and inner city locations.

To amend paragraph ten by insertion after the words “on the basis of this social statement”:
and to provide information on congregational models for health ministries.

To amend paragraph thirteen by addition:
To direct the Lutheran Office for Governmental Affairs to advocate that all people living in the United States of America, Puerto Rico, and its U.S. territories...

To further amend paragraph thirteen by substitution:
...have ~~timely~~ equitable access to a basic level of preventive, acute, and chronic physical and mental health care at an affordable cost...

To further amend paragraph thirteen by addition:
and to urge synods, congregations, and members of the Evangelical Lutheran Church in America to share in this endeavor.

The Rev. Robert L. Hoover Jr. [Allegheny Synod] made a motion to amend paragraph fourteen by insertion:

Moved;

Seconded: To amend paragraph fourteen by inserting by the words “spiritual direction,” following the words “pastoral counseling.”

Pr. Hoover spoke to the amendment indicating the importance of spiritual direction, especially in the diaconal ministry training process.

The Rev. George E. Keck [Southeastern Pennsylvania Synod] asked for an interpretation to the rules about amendments made after the deadline. The chair responded that the voting members had to vote to take up such amendments. Pr. Eilert clarified that Pr. Hoover had turned the amendment in on time, but the committee had not received it.

The presiding bishop ruled the amendment could be considered. He asked if the assembly was prepared for a vote on the amendment, hearing no objection he asked for a show of cards.

Moved;

Seconded;

Carried:

Voting Cards

To amend paragraph fourteen by inserting by the words “spiritual direction,” following the words “pastoral counseling.”

Before the final vote on the social statement Ms. Gail M. Pearce [Northern Texas-Northern Louisiana Synod] asked for a reading of the wording on paragraph one as it currently stood. Bishop Hanson indicated that everything following “(1997)” in paragraph one had been removed.

Assembly

Action

Yes-935; No-34

CA03.05.13

1. To adopt “Caring for Health: Our Shared Endeavor” as a social statement of the Evangelical Lutheran Church in America, in accordance with Policies and Procedures of the Evangelical Lutheran Church in America for Addressing Social Concerns (1997).
2. To call upon members of the Evangelical Lutheran Church in America to renew their prayer for the health and healing of all people, to strengthen their congregations as communities of healing, to study the scriptural witness to the God of healing, and to participate in the shared endeavor of health care in their daily lives, using the social statement “Caring for Health: Our Shared Endeavor” to help form their judgments and carry out their commitment;
3. To challenge all members of this church to become good stewards of their own physical and mental health

by attending to preventive care, personal health habits, diet, exercise, and recreation, and by making prudent use of health-care resources;

4. To urge all members of this church to develop reasonable expectations for their own health and for the health care they receive at each stage of life and to engage in thoughtful preparation with health-care professionals and loved ones for difficult choices in their health care;

5. To encourage congregations and church-related institutions to be centers for dissemination of health education for their members and their communities;

6. To call upon all pastors, other rostered leaders, teaching theologians, bishops, and other church leaders to give renewed attention to the healing dimensions of Scripture, liturgy, hymnody, prayer, pastoral care, and other forms of ministry;

7. To exhort all church leaders to help members of this church in vocations of health, healing, and health care to see their work as a part of God’s healing work in the world, and to encourage members to enter these vocations;

8. To challenge all congregations, synods, social ministry organizations, public policy advocacy ministries, other affiliated organizations of this church, and all churchwide units to carry out the substance and spirit of this statement, and to intensify their work with Lutheran Services in America and various ecumenical, interfaith, and secular groups in pursuit of its commitments;

9. To urge all members of this church to study the policy statement on health ministry of the Division for Global Mission to increase understanding of global health issues;

10. To direct the Division for Church in Society, in cooperation with other churchwide units, to provide leadership and consultation on the basis of this social statement and to provide information on congregational models for health ministries;

11. To request that the Division for Congregational Ministries, in

consultation with the Division for Church in Society, develop worship and educational resources to interpret this social statement;

12. To encourage all churchwide units to model the principles of this social statement in their ongoing work and relationships with employees, and to exhort all congregations, synods, and affiliated organizations to do the same;

13. To direct the Lutheran Office for Governmental Affairs to advocate that all people living in the United States of America, Puerto Rico, and U.S. territories have equitable access to a basic level of preventive, acute, and chronic physical and mental health care at an affordable cost, to call upon all state public policy offices of this church to do the same, and to urge synods, congregations and members of the Evangelical Lutheran Church in America to share in this endeavor;

14. To request that the Division for Ministry (a) study the current trends and future needs for ministries in health-care chaplaincy, pastoral counseling, spiritual direction, and clinical education; (b) examine the clinical and academic education need for the future of these ministries; and (c) present the findings and possible recommendations for action to the board of the Division for Ministry by the end of the year 2005; and

15. To urge that the Division for Global Mission continue (a) to cultivate connections with churches and social ministry organizations worldwide; (b) to stimulate awareness in this church of global health issues; and (c) to call upon partner organizations to do the same.

Bishop Hanson declared adopted the ELCA's eighth social statement, "Caring for Health: Our Shared Endeavor." He thanked the assembly for its careful deliberation and the members of the task force for their work.

Amendments to ELCA Governing Documents

(Reference: 2003 Pre-Assembly Report, Section IV, pages 73-82.)

Presiding Bishop Hanson turned the attention of the Churchwide Assembly to the proposed amendments to the

Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America that had been recommended to the assembly by the Church Council. Voting members were asked to locate these materials in the 2003 Pre-Assembly Report.

Mr. Brian D. Rude, chair of the Legal and Constitutional Review Committee of the Church Council, described the nature of these documents and the kinds of amendments that were being made. Most of the matters before the assembly would be handled in an *en bloc* resolution. In addition there would be certain items which would be acted on individually as requests had been received to have them considered apart from the *en bloc* resolution. Mr. Rude indicated that amendments under consideration to the constitution were editorial in nature seeking to simplify or clarify existing texts. As constitutional provisions, a six-month prior notice to synods of such amendments was required, and had been given earlier in 2003. Due to the notice required, those provisions were not open to amendment at that time, but needed to be accepted or rejected as they were presented. He noted that these restrictions were common among the *Constitution for Synods* and *Model Constitution for Congregations*.

Bylaw amendments did not need prior notice and could be modified while under consideration.

Secretary Lowell G. Almen noted the requests that had been received to remove items from *en bloc* consideration. Those items were:

*C16.03. in the *Model Constitution for Congregations* on page 79 of Section IV;

S7.27. in the *Constitution for Synods* on page 78 of Section IV; and

10.02. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* on page 75 of Section IV.

The *en bloc* resolution was considered first. On behalf of the Church Council, ELCA Secretary Lowell G. Almen placed the amendments before the assembly.

Moved;

Two-Thirds Vote Required

Seconded:

To adopt *en bloc*, with the exception of such amendments as may be considered separately, the following amendments to the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

Mr. Bruce Lundberg [Minneapolis Area Synod] noted that the word "personnel" in the amendment of 17.41.02. had been misspelled. The correction was noted as an editorial adjustment. Bishop Hanson then proceeded with a vote on the *en bloc* action.

Assembly

Two-Thirds Vote Required

Action

Yes-922; No-43

CA03.05.14

To adopt *en bloc* with the exception of such amendments as may be considered separately, the following amendments to the *Constitutions,*

Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.

To amend churchwide bylaw 7.41.12. to clarify the original intent of that requirement:

7.41.12. Initial Call to Congregational Service. Because the responsibilities of the office of the ordained ministry are most clearly focused in the congregational pastorate, experience in which is deemed by this church to be invaluable for all other ordained service, initial service of at least three years shall be in the parish ministry in this church. Exceptions may be granted under criteria and procedures recommended by the Division for Ministry, reviewed by the Conference of Bishops, and adopted by the Church Council.

To amend churchwide constitutional provision 7.42. and churchwide bylaws 7.41.17. and 7.52.24. to clarify the fact that the designation of disability is a roster decision made by the respective synods in the oversight of the rosters:

7.42. Each pastor on the roster of ordained ministers of this church shall be related to that synod:

...

h. on whose roster the ordained minister, if designated as disabled, was listed when last called or the synod of current address, upon application by the ordained minister for transfer and the mutual agreement of the synodical bishops involved after consultation with and approval by the secretary of this church;...[with the remainder unchanged].

7.41.17. Retirement. Ordained ministers may retire upon attainment of age 60, or after 30 years on the roster of ordained ministers of this church or one of its predecessor bodies, or may be designated as disabled upon disability, and continue to be listed on the roster of ordained ministers of this church, upon endorsement by the synodical bishop, by action of the Synod Council in the synod in which the ordained minister is listed on the roster. The policies and procedures for granting retired status or for designation of disability on the roster of ordained ministers shall be developed by the Division for Ministry, reviewed by the Conference of

Bishops, and adopted by the Church Council.

7.52.24. Retirement. Associates in ministry, deaconesses, and diaconal ministers may retire upon attainment of age 60, or after 30 years on a roster of this church or one of its predecessor bodies, or may be designated as disabled upon disability, and continue to be listed on the roster of associates in ministry, deaconesses, or diaconal ministers of this church, upon endorsement by the synodical bishop, by action of the Synod Council in the synod in which the associate in ministry, deaconess, or diaconal minister is listed on the roster. The policies and procedures for granting retired status or for designation of disability on the official rosters of laypersons shall be developed by the Division for Ministry, reviewed by the Conference of Bishops, and adopted by the Church Council.

To amend churchwide constitutional provision 7.46. to be consistent with the requirements of ¶S14.13. in the Constitution for Synods:

7.46. The provisions for termination of the mutual relationship between an ordained minister and a congregation shall be as follows: included in ¶S14.13. of the Constitution for Synods:

a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:

- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
- 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
- 3) inability to conduct the pastoral office effectively in that congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
- 4) the physical or mental incapacity of the pastor;

- 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
 - 6) the dissolution of the congregation;
or
 - 7) suspension of the congregation as a result of discipline proceedings.
- b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of the synod, the bishop in his or her sole discretion may investigate—or when such allegations have been brought to the synod’s attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop shall investigate—such conditions personally in company with a committee of two ordained ministers and one layperson.
- c. In case of alleged physical or mental incapacity competent medical testimony shall be obtained. When such disability is evident, the synodical bishop with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the synodical bishop together with the committee described in 7.46.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the synodical bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the

voting members present and voting where the bishop and the committee recommended termination of the call.

- e. If, in the course of proceedings described in 7.46.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop who may bring charges, in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America.
- f. If, following the appointment of the committee described in 7.46.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the synodical bishop may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).

To amend churchwide bylaw 8.61.01. to acknowledge the Batak Special Interest Conference of North America in accord with constitutional provision 8.61.:

8.61.01. Because of both official and informal international contacts with other churches, the Batak Special Interest Conference of North America, Danish Special Interest Conference, Finnish (Suomi) Special Interest Conference, German Lutheran Conference in North America, and Hungarian Special Interest Conference shall relate to this church through the Department for Ecumenical Affairs under the authority of the presiding bishop of this church. Official contacts and relationships of the special interest conferences with leaders and representatives of other churches shall be coordinated through the Department for Ecumenical Affairs.

To amend churchwide constitutional provision 9.23. to clarify the potential application of that provision:

9.23. In accord with constitutional provision 9.21.d. and bylaw 9.21.01. and without invoking the provisions of Chapter 20, a congregation that maintains as its pastor an ordained minister who has resigned or been

removed from this church's roster of ordained ministers ~~by disciplinary action~~ or that calls as its pastor one who has not been approved for the roster of ordained ministers may be removed from the roster of congregations of this church by the Synod Council upon recommendation of the synodical bishop.

To amend churchwide constitutional provision 9.25.b. and †S13.01.a.2) in the Constitution for Synods as follows because some of the indicated chapters also include non-required provisions:

9.25.b. A congregation newly formed by this church and any congregation seeking recognition and reception by this church shall:

...

b. Adopt governing documents that include fully and without alterations the Preamble, Chapter 1, where applicable, and all required provisions of Chapters 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, and 19 in the *Model Constitution for Congregations* consistent with requirements of this constitution . . . [with the remainder unchanged].

†S13.01.a.2) Adopt governing documents that include fully and without alterations the Preamble, Chapter 1, where applicable, and all required provisions of Chapters 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, and 19 in the *Model Constitution for Congregations* consistent with requirements of this constitution... [with the remainder unchanged].

To amend churchwide bylaw 10.01.11., sections 3A and 3B, to reflect the revised geographic territory of the respective synods:

10.01.11. ...

Synod 3.A—Western North Dakota. The counties of Adams, Benson (the town/parishes of Esmond), Billings, Bottineau, Bowman, Burke, Burleigh, Divide, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder (excluding the Woodworth Parish of Pettibone), Logan (excluding the towns/parishes of Fredonia and Gackle), McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Oliver, Pierce (~~excluding the Wolford Parish in the northeastern part~~), Renville, Rolette, Sheridan, Sioux, Slope, Stark, Towner, Ward, Wells, and Williams in the state of NORTH DAKOTA; and the

parishes of Lemmon, Lodgepole, Ralph, and Shadehill in the state of SOUTH DAKOTA.

Synod 3.B—Eastern North Dakota. The counties of Barnes, Benson (east of and including the towns/parishes of Maddock and Leeds), Cass, Cavalier, Dickey, Eddy, Foster, Grand Forks, Griggs, Kidder (the Woodworth Parish of Pettibone), LaMoure, Logan (the towns/parishes of Fredonia and Gackle), Nelson, Pembina, ~~Pierce (the northeastern part including the Wolford Parish)~~; Ramsey, Ransom, Richland, Sargent, Steele, Stutsman, Traill, and Walsh in the state of NORTH DAKOTA.

To adopt new churchwide constitutional provision 10.74. and new †S15.32. in the Constitution for Synods to provide common standards for insurance in all synods:

10.74. Each synod shall maintain adequate, continuous insurance coverage in accordance with standards recommended by the churchwide organization. Insurance programs offered or endorsed by the churchwide organization shall be deemed to fulfill this obligation.

†S15.32. This synod shall maintain adequate, continuous insurance coverage in accordance with standards recommended by the churchwide organization. Insurance programs offered or endorsed by the churchwide organization shall be deemed to fulfill this obligation.

To adopt new constitutional provision 12.12. to describe the margin of voting required of the Churchwide Assembly on certain matters, as indicated in constitutional provision 12.11.:

12.12. Any matter for which adoption by a vote of two-thirds of those voting in a prior Churchwide Assembly was required by the constitution or bylaws of the Evangelical Lutheran Church in America shall require a two-thirds vote to be amended or repealed by a subsequent Churchwide Assembly.

To amend churchwide bylaw 12.41.13. to address the fact that some ordained ministers and those on the official lay rosters, such as those on seminary faculties, are assigned to synodical rosters in other than their synod of congregational membership:

12.41.13. Each voting member of the Churchwide Assembly shall be a voting member of a congregation of this church, ~~and~~ Any such

voting member (except a rostered person described in 7.42.b., c., d., or e., or 7.52.14.) shall cease to be a member of the assembly if no longer a voting member of a congregation of this church within the synod from which elected. The criterion for voting membership in the congregation from which the voting member is elected shall be in effect regarding minimum age for that voting member.

To amend churchwide bylaw 17.31.01. in regard to the selection of members of the board of trustees for the ELCA Foundation and Endowment Fund:

17.31.01. The Endowment Fund of the Evangelical Lutheran Church in America, operating as the ELCA Foundation, shall have a board of trustees of at least nine and not more than 13 members, selected by the Church Council's Budget and Finance Committee and ratified by the Church Council from a slate of nominees submitted by the council's nomination process.

To amend churchwide bylaw 17.41.04. to make explicit the process followed for filling any vacancy on the board of Women of the ELCA between meetings of the triennial electing body:

17.41.04. This organization shall have a board of 21 members elected by the assembly of this organization for one three-year term with eligibility for one consecutive reelection. At least 10 percent of the members of this board shall be persons of color or primary language other than English. No more than one elected board member shall be from any one synod. Board members are to serve with the perspective of the interdependence of all units of this church. In the event of a vacancy, the board shall elect a member to serve the balance of the term. The Conference of Bishops shall select one bishop to serve as an advisory member of the board of this organization with voice but not vote.

To amend churchwide constitutional provision 17.71. and bylaw 17.71.02. to clarify the fact that the positions of president and executive director of the Mission Investment Fund are the same, exercised by one person:

17.71. This church shall have a fund, known as the Mission Investment Fund of the Evangelical Lutheran Church in America, to provide loans to congregations and units of this church and to organizations and

institutions that are affiliated with this church. The Mission Investment Fund of the Evangelical Lutheran Church in America shall be incorporated. Its executive director shall be president of the corporation, unless the Church Council determines that the treasurer of this church shall be president and executive director of this corporation.

17.71.02. Unless otherwise determined by the Church Council under provision 17.71., the president, who shall also serve as the executive director, shall be elected by the board of trustees of the Mission Investment Fund of the Evangelical Lutheran Church in America to a four-year term in consultation with and with the approval of the presiding bishop of this church. Nomination of a candidate for executive director shall be made jointly by the presiding bishop and the search committee of the board. The board, together with the presiding bishop, shall arrange for an annual review of the executive director. The executive director shall be eligible for reelection. The employment of the executive director may be terminated jointly by the board of trustees of the Mission Investment Fund of the Evangelical Lutheran Church in America and the presiding bishop of this church, following recommendation by the executive committee of the board of trustees.

To amend churchwide bylaw 20.23.02. to correct the reference to the committee:

20.23.02. The voting members of a discipline hearing committee convened to conduct a hearing on charges described in 20.23.01. shall be six members of the synod's Committee on Consultation Discipline selected by the Executive Committee of the Synod Council. A hearing officer selected from the churchwide Committee of Hearing Officers by the secretary of this church shall preside as the nonvoting chair of the discipline hearing committee described in this 20.23.02.

To amend churchwide bylaw 20.41.02. by deletion of the final sentence with that sentence largely being transferred to a new bylaw 20.41.03. to clarify the discipline process in congregations, and to renumber existing 20.41.03. as 20.41.04., 20.41.04. as 20.41.05.,

20.41.05. as 20.41.06., 20.41.06. as 20.41.07., and 20.41.07. as 20.41.08.:

20.41.02. Discipline shall be administered by the Congregation Council on behalf of the congregation. The procedure which Christ instructed his disciples to follow (Matthew 18:15-17) shall be adhered to in every case, proceeding through these successive steps:

- private admonition by the pastor;
- admonition by the pastor in the presence of two or three witnesses; and
- written citation to appear before the Congregation Council, serving as a discipline hearing committee, having been received by the member at least 10 days prior to the meeting.

If for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, the president (if not the pastor) or vice president shall administer such admonitions. ~~If proposed discipline against a member proceeds beyond counseling and private admonition by the pastor, the charges against a member must be specific and in writing, and shall accompany the written citation.~~

20.41.03. If discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused.

*To amend *C15.02. in the Model Constitution for Congregations to reflect revised churchwide bylaw 20.41.02. and new bylaw 20.41.03.:*

*C15.02. The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and

in writing shall be prepared by member(s) of the congregation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused. A member charged with the offense shall appear before the Congregation Council after having received a written notice citation, at least ten days prior to the meeting, ~~specifying the exact charges that have been made against the member.~~ If the member charged with the offense fails to appear at the scheduled hearing, the Congregation Council may proceed with the hearing and may pass judgment in the member's absence.

*To amend *C15.06. in the Model Constitution for Congregations to change the citation from 20.41.03. to 20.41.04.:*

*C15.06. For disciplinary actions in this congregation, "due process" shall be observed as specified in ~~20.41.03.~~ 20.41.04. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

To amend †S7.25. in the Constitution for Synods to acknowledge exceptions related to those not rostered in the synod but qualified as voting members of the Synod Assembly:

†S7.25. Except as otherwise provided in this constitution or in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* ~~With the exception of ordained ministers on the roster of this synod who reside outside the territory of this synod,~~ each voting member of the Synod Assembly shall be a voting member of a congregation of this synod.

To amend †S9.02. in the Constitution for Synods by removing the required designation because, in some synods, election of other officers follows a pattern similar to that of the bishop with multiple ballots:

†S9.02. In all elections by the Synod Assembly, other than for the bishop, a majority of the legal votes cast shall be necessary for election.

To amend †S11.01. in the Constitution for Synods to provide that duties and functions of committees may be described in continuing resolutions:

†S11.01. There shall be an Executive Committee, a Consultation Committee, a Committee on Discipline, a Mutual Ministry Committee, and such other committees as this synod may from time to time determine. The duties and functions of such committees, or any other organizational units created by this synod, and the composition and organizational structure of such units, shall be as set forth in this constitution or in the bylaws or continuing resolutions, and shall be subject to any applicable provisions or requirements of the constitution and bylaws of the Evangelical Lutheran Church in America.

To amend †S13.23. in the Constitution for Synods to affirm the trust responsibility of the synod for certain properties obtained for mission and ministry on the territory of the synod:

†S13.23. Provision 9.71. of the ELCA constitution shall govern the relationship of this synod and a congregation of this synod regarding the property of the congregation. This synod may transfer or convey property to a congregation of the synod, subject to restrictions accepted by the congregation, including provision that if the Synod Council, in its sole and exclusive discretion, determines (1) that the property is not being used to serve the mission and ministry needs of this church, or (2) that the congregation has transferred, encumbered, mortgaged, or in any way burdened or impaired any right, title, or interest in the property without the prior approval of the Synod Council, then title to the property shall revert to the synod, and the congregation, upon written demand, shall reconvey the property to the synod.

To adopt a new provision C7.05. for the Model Constitution for Congregations related to †S13.23. concerning property of the synod entrusted to a congregation for the mission and ministry on the territory of the synod:

C7.05. Notwithstanding the provisions of *C7.02. and *C.7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the Constitution, Bylaws, and Continuing Resolutions of the

Evangelical Lutheran Church in America, this congregation accepts such restrictions and:

- a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
- b. Shall—upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the (insert name of synod)—reconvey and transfer all right, title, and interest in the property to the synod.

To amend †S18.31. in the Constitution for Synods to make it consistent with the requirements of †S7.01.:

†S18.31. This synod may adopt continuing resolutions not in conflict with this constitution or its bylaws or the constitution and bylaws of this church. Such continuing resolutions may be adopted or amended by a majority vote of the Synod Assembly or by a two-thirds vote of Synod Council. Newly adopted continuing resolutions and amendments to existing continuing resolutions shall be reported to the secretary of this church.

*To adopt a new provision, *C5.03.d. in the Model Constitution for Congregations to make reference to amendments and to re-letter the subsequent items:*

*C5.03. Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:

...

- d. adopt amendments to the constitution, as provided in Chapter 17, and amendments to the bylaws, as specified in Chapter 16;

....

To adopt a new provision, C5.05. in the Model Constitution for Congregations to provide for endowment funds:

C5.05. This congregation shall have a mission endowment fund that will operate as specified in this congregation's [bylaws] [continuing resolutions]. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

To amend *C9.08. in the Model Constitution for Congregation to reflect more completely the requirements of S14.16. in the Constitution for Synods:

*C9.08. This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.

To amend C9.21. in the Model Constitution for Congregation to make the language of the provision consistent with churchwide bylaw 8.72.12.:

C9.21. Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily ~~under contract~~ as pastor of this congregation under a contract between the congregation and the ordained minister in a form proposed by the synodical bishop and approved by the congregation.

To amend C10.06. in the Model Constitution for Congregations to clarify its meaning:

C10.06. All actions approved by the congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.

To amend *C17.01., *C17.02., *C17.03., and *C17.04. in the Model Constitution for Congregations to clarify the meaning and implications of those provisions:

*C17.01. Those sections of this constitution that are not required, in accord with the Model Constitution for Congregations of the Evangelical Lutheran Church in America, may be amended in the following manner. Amendments ~~to this constitution~~ may be proposed by at least _____ voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at its a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members by mail of the

proposal together with the council's recommendations at least 30 days in advance of the meeting.

*C17.02. An proposed amendment to this constitution, proposed under *C17.01., shall:

a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;... *[with the remainder unchanged].*

*C17.03. Any amendments to this constitution that result from the processes provided in *C17.01. and *C17.02. shall be sent by the secretary of this congregation to the synod. The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in America or the constitution of the _____ Synod of the ELCA.

*C17.04. Whenever the *Model Constitution for Congregations* is amended by the Churchwide Assembly, this constitution may be amended to reflect incorporate any such amendment by a simple majority vote of those voting members present and voting at any subsequent meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod, ~~consistent with *C17.03.~~ Such provisions shall become effective immediately following a vote of approval.

Amendments Removed from En Bloc Consideration

Secretary Almen introduced the first of three amendments to the governing documents that had been removed from the *en bloc* action for separate consideration.

**Moved;
Seconded:**

Two-Thirds Vote Required

To amend *C16.03. in the *Model Constitution for Congregations* to clarify its meaning:
*C16.03. Changes to the bylaws may be proposed by any voting member provided, however, that such

additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose and that the Congregation Council notify the congregation's members by mail of the proposal with its the council's recommendations at least 30 days in advance of the Congregation Meeting.

Ms. Sally Young, a member of the Church Council, noted that a motion related to this provision had been received and was addressed in the report of the Committee of Reference and Counsel as Motion I. She stated that, "The incorporation laws of states vary greatly with regard to recognition of electronic mail as a legal means of notification for corporate meetings. In addition, since not all members and congregations of this church have access to e-mail, there are logistical and economic challenges to be considered before adopting such a change." She subsequently moved:

Moved;

Seconded: To refer Motion I to the Church Council for further consideration.

The Rev. Rebecca Knox said she had introduced her motion because electronic mail is becoming an increasingly common and helpful technology, but that she supported the motion to refer.

Assembly

Action

Yes-865; No-82

CA03.05.15 To refer Motion I to the Church Council for further consideration.

Bishop Hanson then continued with a vote on the original amendment.

Assembly

Action

Two-Thirds Vote Required

Yes-854; No-80

CA03.05.16 To amend *C16.03. in the Model Constitution for Congregations to clarify its meaning:

***C16.03. Changes to the bylaws may be proposed by any voting member provided, however, that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose and that the Congregation Council notify the congregation's members by mail of the proposal with its the council's recommendations at least 30 days in advance of the Congregation Meeting.**

Secretary Almen introduced the second proposed amendment to the governing documents that had been removed from *en bloc* for separate consideration:

The next amendment to governing documents removed for separate consideration was new S7.27. and renumbering of former S7.27. to S7.28.

Moved;

Seconded:

Two-Thirds Vote Required

To adopt a new S7.27. in the *Constitution for Synods* to reflect churchwide bylaw 8.72.14. and to renumber the existing S7.27. as S7.28.:

S7.27.

This synod may establish processes through the Synod Council to grant an ordained minister from a church body with which a relationship of full communion has been declared and established by the Churchwide Assembly of the Evangelical Lutheran Church in America the privilege of both voice and vote in the Synod Assembly during the period of that ordained minister's service in a congregation of this church.

S7.2728.

Duly elected voting members of the Synod Council who are not otherwise voting members of the Synod Assembly under †S7.21. shall be granted the privilege of both voice and vote as members of the Synod Assembly.

Secretary Almen commented that this provision for synods related to existing churchwide bylaw 8.72.14.

Mr. Lester J. Swenson [Minneapolis Area Synod] requested the separate consideration of this amendment because, while he valued the participation of full-communion clergy in the life of the church and in its assemblies, he expressed concern that over time the number of non-Lutheran clergy could rise in this church. Many decisions made at assemblies reflected on the Lutheran heritage and therefore the vote of clergy should be reserved for Lutheran clergy only.

The Rev. G. Scott Cady [New England Synod] supported the amendment observing that if we could trust full-communion partners with preaching, teaching, spiritual guidance, and leading Bible studies, they could be trusted with a vote in synod assemblies. He also noted that the provision was a permissive one, and that synods would be free to decide whether or not full-communion clergy serving within their synod could vote at assemblies.

The Rev. Gary G. Hatcher [Northeast Iowa Synod] asked what the voting status of Lutheran clergy was who were serving in congregations of full-communion partners.

Secretary Almen answered the question reporting that in most cases-that is, in the jurisdictional equivalent of a synod assembly-ELCA pastors were given voice and vote. He noted that the possibility of granting voice and vote to full-communion partners at a Churchwide Assembly would be in another category.

The Rev. Martin E. Zimmann [Southeast Michigan Synod] reminded his fellow voting members that the Holy Spirit works "through all sorts of people, not just Lutherans."

Bishop Ralph W. Dunkin [West Virginia-Western Maryland Synod] spoke of the long history of shared clergy across denominational lines in the territory of his synod, in that history pastors serving Lutheran churches had voice and vote.

The Rev. Jon S. Enslin [South–Central Synod of Wisconsin] also noted that this provision was about offering an option to synods, and that it would not be required.

The Rev. Serena S. Sellers [Southeastern Pennsylvania] pointed out that without this amendment, congregations served by non-ELCA clergy would not be as fully represented as other congregations with Lutheran clergy would be within their synod assembly.

Hearing no further comments, the presiding bishop asked the assembly to vote on the amendment.

**Assembly
Action**

**Two-Thirds Vote Required
Yes-843; No-123**

CA03.05.17 To adopt a new S7.27, in the Constitution for Synods to reflect churchwide bylaw 8.72.14, and to renumber the existing S7.27, as S7.28.:

S7.27. This synod may establish processes through the Synod Council to grant an ordained minister from a church body with which a relationship of full communion has been declared and established by the Churchwide Assembly of the Evangelical Lutheran Church in America the privilege of both voice and vote in the Synod Assembly during the period of that ordained minister's service in a congregation of this church.

S7.2728. Duly elected voting members of the Synod Council who are not otherwise voting members of the Synod Assembly under †S7.21, shall be granted the privilege of both voice and vote as members of the Synod Assembly.

Secretary Almen introduced the final proposed amendment that had been removed from *en bloc* consideration:

**Moved;
Seconded:**

Two-Thirds Vote Required

To amend churchwide constitutional provision 10.02. to remove the exception as unnecessary because the nature and relationships of the non-geographic Slovak Zion Synod are addressed in bylaw 10.02.01.:

10.02. Each congregation, except as provided in the bylaws those which are in partnership with the Slovak Zion Synod, shall establish a relationship with the synod in whose territory it is located.

Secretary Almen mentioned that Mr. Brian D. Rude, a member of the Church Council's Legal and Constitutional Review Committee, would provide background information on the amendment to the provision.

Ms. Karen A. Jenkins [Minneapolis Area Synod] asked for a point of clarification on whether the previous vote had been on an amendment or a bylaw. Bishop Hanson indicated that it was just the bylaw itself that had been under consideration.

Mr. Rude spoke to the third amendment that had been removed from the *en bloc* action. Mr. Rude relayed that in general, constitutional provisions contain principles which were then detailed in bylaws. All synods have been listed in bylaws. 10.01.01. Bylaw 10.02.01. also refers to the Slovak Zion Synod. Removal of the reference to the Slovak Zion Synod would have no impact on the continuance of that synod. Removal of the specific reference to the Slovak Zion Synod in this provision would "open possibilities for a future non-geographic synod."

Bishop Wilma S. Kucharek [Slovak Zion Synod] spoke against the amendment. She said that the naming of the Slovak Zion Synod in this context was necessary to them as it guaranteed their congregational relations to that synod. She stated that the Slovak Zion Synod wished to remain a reference in the ELCA constitution. She asserted that constitution provision 5.01.c. required consultation and opportunity for adequate discussion with those most affected by changes to the governing documents. Bp. Kucharek said that this consultation did not take place in this instance, and that this omission was distressful to the people of the Slovak Zion Synod. She urged defeat of the amendment.

Bishop Roy G. Almquist [Southeastern Pennsylvania Synod] said he understood the spirit of the amendment proposed by the Church Council, but suggested that there was probably a better way to achieve the clarification sought in the amendment. In respect for the achievements and work of the Slovak Zion Synod he expressed opposition to the amendment.

The Rev. David L. Jones [Slovak Zion Synod] spoke of the hurt in the Slovak Zion Synod by the way this amendment has been proposed without consultation. He appealed for better communication of the whole with the part.

Bishop Steven L. Ullestad [Northeastern Iowa Synod] moved to end debate on this matter.

**Moved;
Seconded;
Carried:**

**Two-Thirds Vote Required
Yes-876; No-80**

To move the previous question.

**Assembly
Action**

**Two-Thirds Vote Required
Yes-154; No-827**

CA03.05.18 To not amend churchwide constitutional provision 10.02.:

10.02. Each congregation, except as provided in the bylaws ~~those which are in partnership with the Slovak Zion Synod~~, shall establish a relationship with the synod in whose territory it is located.

Bishop Hanson invited the assembly to stretch by rising to sing "Rise, O Church, Like Christ Arisen."

Report of the Memorials Committee

(Reference: 2003 Pre-Assembly Report, Section VI, pages 1-84.)

Presiding Bishop Hanson invited Mr. Brian D. Rude, co-chair of the Memorials Committee, to present additional memorials.

Category D1: Pension Equity

(Reference: 2003 Pre-Assembly Report, Section VI, pages 37-39.)

Mr. Rude introduced the recommendation of the Memorials Committee for Category D1 on pension equity.

Moved;

Seconded:

To receive the memorial of the Northern Great Lakes Synod related to pension reform; and

To decline to initiate the patter for pension reform requested by the synod, but to affirm the action of the Church Council of the Evangelical Lutheran Church in America (CC03.04.27q.) related to this issue:

To affirm the conclusion of the study, that compensation of pastors and other church workers is at the root of issues of pension equity and adequacy of retiree income;

To underscore the [2001 Churchwide] assembly's exhortation for increased contribution to the Special Needs Retirement Fund to enable increases in the level of supplementary pensions for retired church workers and spouses in extreme need;

To endorse the follow-up steps presented in the report by the Board of Pension for increased contributions to the Special Needs Retirement Fund; and

To urge, in keeping with the action of the 2001 Churchwide Assembly, that synods adopt adequate compensation guidelines and work especially with congregations that have salary patterns below synodical guidelines.

Bishop Wm. Christopher Boerger [Northwest Washington Synod] moved a substitution motion:

Moved;

Seconded:

RESOLVED, that the 2003 ELCA Churchwide Assembly of the Evangelical Lutheran Church in America request the ELCA Board of Pensions to amend the pension program for this church by adding 0.7 percent of defined compensation to the pension rate. These funds to be distributed as described in "Design Alternative 1" in the Pension Equity Report to the ELCA Church Council. [See 2003 Pre-Assembly Report, Section III, pages 123-133].

Bp. Boerger said that the problem was compensation. According to the Board of Pensions more than one-half of pastors in the six synods studied were paid amounts less than their synod compensation guidelines. He said, "That is a problem. That is a scandal. That is a reality." Congregations continued to set salary rates of pastors. Bp. Boerger reported that many pastors left calls in order to get adequate compensation. He

went on to say that if there really was a concern about smaller congregations, the money needed to be raised elsewhere. A 0.7 percent increase was a sharing of the burden, a matter of justice.

Bishop Thomas A. Skrenes [Northern Great Lakes Synod] referred the voting members to Report of the Board of Pension in Section III of the 2003 Pre-Assembly Report that responded to the issue, but that in his opinion did not solve the problem. If compensation levels of pastors were raised this issue would be addressed, however he noted the difficulty in doing so. He indicated that the pension system was one place where action could be taken, and gave his support to "Design Alternative 1" in the Board of Pensions' Equity Report. He supported the substitute motion.

The Rev. Larry C. Kassebaum [Grand Canyon Synod] a Board of Pensions trustee, spoke of the care that the Board of Pensions trustees took in their management and recommendations. He said that the proposal represented only a short-term fix and would draw resources from other programs.

Mr. John G. Kapanke, president of the Board of Pensions, told the assembly that this matter was discussed with all 65 bishops, and commended the Board of Pensions report to the members. He said that the Board of Pensions was asked by the 2001 Churchwide Assembly to examine possible ways to achieve pension equity. Three alternatives were presented in the report including the one presented as "Design Alternative 1." He indicated that this proposal would result in assessing all participating congregations approximately \$4.4 million per year or about \$400 per congregation (in addition to the \$450 paid by each congregation on behalf of retired pastors health care). He reminded the members that the Special Needs Fund was designed to assist those whose pension packages were low.

The Rev. Serena S. Sellers [Southeastern Pennsylvania Synod] spoke against the substitute, observing that congregations were already in distress about not being able to have full time clergy or pay adequately. She indicated that this proposal would amount to simply shifting a burden without lifting it.

The Rev. Mark L. Nygard [Western North Dakota Synod] served as missionary under a "unified scale." He said that he was struck by the inequities he saw in pastors' salaries when he returned to the United States. He said his experience made him willing to risk voting for this motion, saying that this was perhaps "a prophetic call to the church" to close a gap.

Ms. Vicki L. Duin [Nebraska Synod] moved to end debate on the matter.

Moved;

Seconded:

Two-Thirds Vote Required

To move the previous question.

The Rev. David W. Preisinger [Upstate New York Synod] asked for further clarification about the issue on the floor. "By adding the 0.7 percent, who gets the money?"

Bishop Hanson responded that this was continuing debate, and that there had been a motion to end debate. He then asked Mr. Kapanke to address the matter briefly.

Mr. Kapanke stated succinctly that the money would go to those who were below the salary guidelines of the various synods.

Pr. Preisinger asked what happened with synods that paid more than 10 percent.

Bishop Hanson ruled the question out of order, and asked the assembly to consider the motion to end debate.

Moved; **Two-Thirds Vote Required**
Seconded; **Voting Cards**
Carried: To move the previous question.

The assembly then considered the substitute motion.

Moved; **Yes-357; No-576**
Seconded;
Defeated: RESOLVED, that the 2003 ELCA Churchwide Assembly of the Evangelical Lutheran Church in America request the ELCA Board of Pensions to amend the pension program of this church by adding 0.7 percent of defined compensation to the pension rate. These funds to be distributed as described in "Design Alternative 1" in the Pension Equity Report of the ELCA Church Council.

The presiding bishop asked if there was further discussion of the Memorials Committee's recommendation.

Assembly Action **Yes-853; No-78**
CA03.05.19 To receive the memorial of the Northern Great Lakes Synod related to pension reform; and

To decline to initiate the pattern for pension reform requested by the synod, but to affirm the action of the Church Council of the Evangelical Lutheran Church in America (CC03.04.27q.) related to this issue:

To affirm the conclusion of the study, that compensation for pastors and other church workers is at the root of issues of pension equity and adequacy of retiree income;

To underscore the [2001 Churchwide] assembly's exhortation for increased contribution to the Special Needs Retirement Fund to enable increases in the level of supplementary pensions for retired church workers and spouses in extreme need;

To endorse the follow-up steps presented in the report by the Board of Pension for increased contributions to the Special Needs Retirement Fund; and

To urge, in keeping with the action of the 2001 Churchwide Assembly, that synods adopt adequate compensation guidelines and work especially with congregations that have salary patterns below synodical guidelines.

Category E4: Ratification of Policy and Governing Documents

(Reference: 2003 Pre-Assembly Report, Section VI, pages 46-56.)

Ms. Judy Biffle of the Memorials Committee directed voting members to this Category E4 in the report of the Memorials Committee.

Mr. George C. Watson [Southeastern Michigan Synod] moved to postpone consideration of this category.

Moved; **Yes-749; No-186**
Seconded;
Carried: To postpone consideration of this memorial until the 2003 Churchwide Assembly considers the recommendation of the Committee of Reference and Counsel on constitutional amendments.

Report of the Committee of Reference and Counsel

(Reference: 2003 Pre-Assembly Report, Section VIII.)

Presiding Bishop Hanson invited Ms. Sally Young, co-chair of the Committee of Reference and Counsel, to bring the report of that committee.

Motion C: Ratification by Congregations of Ecumenical Agreements and Ministry Standards

(Reference: 2003 Pre-Assembly Report, Section VIII, page 3.)

Ms. Sally Young, directed assembly attention to Motion C related to proposed ratification procedures. She indicated that the committee affirmed the decision of the ELCA Church Council at its April 2003 meeting to decline to act on the issue of ratification of churchwide actions, though it recognized a need for discussion of the issue. The recommendation of the committee was to not adopt Motion C.

The Rev. David N. Glesne [Minneapolis Area Synod] moved Motion C.

Moved; **Two-Thirds Vote Required**
Seconded: RESOLVED, that the 2003 ELCA Churchwide Assembly begin the process of amending Chapters 7 and 8 of the ELCA constitution with the following provisions:

- 8.71. This church may establish official church-to-church relationships and agreements. Establishment of such official relationships and agreements shall require a two-thirds vote of the voting members present and voting in a Churchwide Assembly. Any such agreements in addition to recommendation for approval at a regular meeting of the Churchwide Assembly as required by the ELCA constitution must be ratified by a simple majority of ELCA congregations within one calendar year. Any congregation that does not submit a vote will be considered as a vote of abstention.
- 7.23. The standards for acceptance and continuance in the ordained ministry of this church shall be set forth in the bylaws. In addition, any change in such standards, in

addition to the recommendation for approval at a regular meeting of the Churchwide Assembly as required by the ELCA constitution, must be ratified by a simple majority of ELCA congregations within one year. Any congregation that does not submit a vote will be considered as a vote of abstention.

Pr. Glesne addressed the purpose of these amendments. He said this resolution was based on the perception that there was a growing desire in the church, expressed many times within the 2003 Churchwide Assembly, to strengthen the partnership as well as the interdependent relationship between congregations of the ELCA, synods, as well as the churchwide organization. These changes would give congregations a more direct voice in the affairs of the wider church, he reasoned. Pr. Glesne held that this measure would increase the voice and ownership of the whole church by the local members.

Ms. Young commented on the Committee of Reference and Counsel rationale to oppose the resolution. The committee supported the action of the Church Council in April 2003 to decline to act. Although the committee opposed the adoption of this amendment, it also recognizes the appropriateness for the assembly to discuss this motion.

Ms. Carol K. Mahnke [Southeastern Iowa Synod] conveyed that sometimes leadership meant that leaders needed to lead while dragging some others along. She felt that this proposal would create a level of confusion and deter needed action.

Ms. Patsy Gottschalk [Eastern Washington-Idaho Synod] added that voting members had been called to listen. She reasoned that if people felt they had a voice, as this measure would provide for, they could be better able to accept even those changes with which they might disagree.

The Rev. G. Scott Cady [New England Synod] indicated that many materials were offered to congregations, but only a few people took the time to become informed. He felt that placing these matters before a population that would not benefit from common debate was unwise.

Bishop Ray Tiemann [Southwestern Texas Synod] offered an amendment to the amendment of 8.17. under consideration.

Moved;

Seconded:

To amend the motion by the addition of the following text at the conclusion of 8.71.

The number of votes per congregation shall be weighted according to the percentage of budget provided as unrestricted mission support for synodical and churchwide ministries, with each full percent equal to one vote based upon the financial information provided in the annual congregational report averaged on the two previous fiscal years.

Bp. Tiemann spoke to his amendment. He said apportioning votes in this way would provide extra incentive for annual reporting, work against decrease in mission support, by having those who voted with their pocketbooks do so in a positive way; and would be fairer to larger congregations by not giving congregations of disparate size equal voting strength.

Mr. Steven McDougal [La Crosse Area Synod] expressed his opposition to this amendment as it would tie political power in the church to money.

Mr. Kevin Prime [Sierra Pacific Synod], a member of an authorized worshipping community, was concerned that under this proposal he and his community would be excluded from representation as it applied only to congregations. He further objected to the amendment, describing it essentially as a “means test.”

Bishop Hanson asked if the assembly was ready to vote, hearing no objection he instructed the members to vote on the amendment.

Moved;

Seconded;

Defeated:

Yes-183; No-753

To amend the motion by the addition of the following text at the conclusion of 8.71.

The number of votes per congregation shall be weighted according to the percentage of budget provided as unrestricted mission support for synodical and churchwide ministries, with each full percent equal to one vote based upon the financial information provided in the annual congregational report averaged on the two previous fiscal years.

Discussion of the main motion continued.

The Rev. Earl L. Janson Jr. [Allegheny Synod] spoke against the motion saying that this proposal might serve the ends of current concerns but could be detrimental in the long run, turning the ELCA into a federation, and weakening the ties between the various parts of the church. He also suggested that this kind of approval procedure might be used to thwart future actions of Churchwide Assemblies.

Pr. Dennis R. Creswell [East-Central Synod of Wisconsin] supported the amendments saying that while each part of the ELCA was part of the church; it was not the whole church. Taking actions that affected congregations radically without recognizing the partnership of congregations in the process was not honoring the partnership.

Bishop Peter Rogness [Saint Paul Area Synod] expressed opposition to the amendments but was sympathetic to some of the undercurrents behind them. “We formed a large church, it is hard to be connected.” He called this the wrong remedy and observed that it was important to inform people and make decisions together, in places and in ways where the issues were being discussed, shaped, and formed.

The Rev. James M. Culver Jr. [Indiana-Kentucky Synod] said that people needed to have some humility about the decisions made by the Churchwide Assembly. “We can make mistakes, this [method of ratification] would be an opportunity to correct mistakes.”

The Rev. Diane L. Thompson [Southeastern Pennsylvania Synod] stated, “It is often difficult to trust the process, but we have to trust the Spirit in the process.”

The Rev. Todd D. Hylden [Western North Dakota Synod] argued in favor of the motion. “We the .002 percent of the baptized membership make decisions for the 99.998 percent, we can trust the 99.998 percent and ask for their vote.”

Ms. Shirley Gangstad [Southeastern Minnesota Synod] did not support the amendments. She said that Churchwide Assembly voting members prayed and debated, and so would congregations, but they would only have localized debate.

Mr. Henry L. Harms [Central/Southern Illinois Synod] moved to end debate on the matter:

Moved; **Two-Thirds Vote Required**
Seconded: To move the previous question.

An unidentified voting member moved to lay this matter on the table.

Moved;
Seconded: To lay the pending question on the table.

Bishop Hanson explained that a motion to lay the pending question on the table takes precedent over a motion to end debate, and was not debatable.

Moved; **Voting Cards**
Seconded;
Defeated: To lay the pending question on the table.

Bishop Hanson proceeded with a vote on the motion to close debate on the matter.

Moved; **Two-Thirds Vote Required**
Seconded; **Yes-833; No-141**
Carried: To move the previous question.

The assembly then voted on Motion C.

Moved; **Two-Thirds Vote Required**
Seconded; **Yes-254; No-733**
Defeated:

RESOLVED, that the 2003 ELCA Churchwide Assembly begin the process of amending Chapters 7 and 8 of the ELCA constitution with the following provisions:

8.71. This church may establish official church-to-church relationships and agreements. Establishment of such official relationships and agreements shall require a two-thirds vote of the voting members present and voting in a Churchwide Assembly. Any such agreements in addition to recommendation for approval at a regular meeting of the Churchwide Assembly as required by the ELCA constitution must be ratified by a simple majority of ELCA congregations within one calendar year. Any congregation that does not submit a vote will be considered as a vote of abstention.

7.23. The standards for acceptance and continuance in the ordained ministry of this church shall be set forth in the bylaws. In addition, any change in such standards, in addition to the recommendation for approval at a regular meeting of the Churchwide Assembly as required by the ELCA constitution, must be ratified by a simple majority of ELCA congregations within one year. Any congregation that does not submit a vote will be considered as a vote of abstention.

Amendment of the Agenda

The Rev. Robert J. Lehner [Southwestern Minnesota Synod] moved to amend the agenda.

Moved;
Seconded: To extend Plenary Session Eleven on Saturday afternoon to complete work on all matters being brought from the Memorials Committee and the Committee of Reference and Counsel.

Bishop Hanson explained that, since he had given his consent, only a simple majority was needed. He asked if voting members were ready to vote; hearing no objection, he instructed the members to vote.

Moved; **Yes-671; No-295**
Seconded;
Carried: To extend Plenary Session Eleven on Saturday afternoon to complete work on all matters being brought from the Memorials Committee and the Committee of Reference and Counsel.

Mr. James Parker [Northwestern Ohio Synod] offered a motion to begin Plenary Session Ten earlier.

Moved;
Seconded: To revise the agenda by beginning Plenary Session Ten at 8:00 A.M. instead of the published time of 8:30 A.M.

Bishop Hanson declined to give consent for this motion, and indicated it would require a two-thirds majority for adoption.

Moved; **Two-Thirds Vote Required**
Seconded; **Yes-459; No-506**
Defeated: To revise the agenda by beginning Plenary Session Ten at 8:00 A.M. instead of the published time of 8:30 A.M.

Recess

Presiding Bishop Mark S. Hanson stated that this concluded the business of Plenary Session Nine.

Following the plenary session a reception was held to honor Vice President Addie J. Butler, and the 15th anniversary of the Evangelical Lutheran Church in America. Before the final prayer, Vice President Butler was presented with a corsage.

The closing prayer was given by Ms. Maren Hulden, an advisory member of the Church Council from Chicago, Illinois, president-elect of the Lutheran Youth Organization.

The assembly recessed at 4:30 P.M. until 8:30 A.M. Saturday, August 16, 2003.