



Preliminary Minutes

Evangelical Lutheran Church in America
Ninth Biennial Churchwide Assembly
August 8–14, 2005—Orlando, Florida

Plenary Session One

Monday, August 8, 2005

7:30 P.M.—9:00 P.M.

Welcome and Order for the Opening of the Assembly

At 7:33 P.M. (Eastern Daylight Time), the Rev. Mark S. Hanson, presiding bishop of the Evangelical Lutheran Church in America (ELCA), opened the ninth Churchwide Assembly of the Evangelical Lutheran Church in America in the Orlando World Center, Orlando, Florida. He stated that the members of the assembly had come together, 1,018 voting members, from every synod in this church, “to breathe life into the documents in the binders before us.”

Presiding Bishop Hanson invited all those present to rise to participate in the Order for Opening of an Assembly. The assembly sang “What is This Place?” Following prayer, Bishop Hanson declared the ninth Churchwide Assembly of the ELCA to be in session. The assembly then sang “A Mighty Fortress.”

Presiding Bishop Hanson called attention to the many people who had worked to make this assembly possible, mentioning in particular the roles of certain persons who undergirded and supported the work of the Churchwide Assembly in special ways:

1. All those who were upholding the assembly and this church in prayer, especially three congregations in the Florida-Bahamas Synod: St. John in Jacksonville; Calvary in Apollo Beach; and Príncipe de Paz in Miami. Bishop Hanson noted that assembly members had joined him in prayer for the assembly, that the ELCA Web site invited people to pray, and that, while the Churchwide Assembly itself would stop to pray periodically throughout the week (particularly before major votes), a prayer team that included synodical vice presidents, synodical bishops, and members of the Church Council was prepared to lead the assembly in prayer.

2. The parliamentarian, Mr. David D. Swartling of Seattle, Washington. Mr. Swartling is a partner in the Seattle law firm of Mills, Meyers, and Swartling and had previously served the ELCA in a number of capacities, including congregational president, synodical vice president, chair of the Region 1 Council, chair of the board of the ELCA Foundation, and parliamentarian of a number of synod assemblies in the Northwest. Bishop Hanson pointed out that Mr. Swartling brought his expertise to this assembly as a much-appreciated volunteer and that, before the assembly was completed, all would be grateful for his help.

Report of the Credentials Committee

(Reference: 2005 Pre-Assembly Report, Section I, pages 9, 33)

Bylaw 12.41.11. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in*

America provides a formula to determine the number of voting members of the Churchwide Assembly. The Church Council and the Rev. Lowell G. Almen, ELCA secretary, determined that 1,018 was the number of voting members for this assembly. This number included the churchwide officers. Secretary Almen, *ex officio* chair of the Credentials Committee, reported that as of 7:05 P.M., 977 voting members had registered with the Credentials Committee. On the basis of that report, Presiding Bishop Mark S. Hanson declared the presence of a quorum.

Greetings: Florida-Bahamas Synod

Presiding Bishop Mark S. Hanson called on the Rev. Edward R. Benoway, bishop of the Florida-Bahamas Synod, to bring greetings on behalf of the host synod. Bp. Benoway welcomed the voting members to Florida, saying that he hoped they would enjoy the sunshine, beaches, and all that Florida has to offer, but warning that volunteers were on hand at those places to direct voting members back to the assembly. He said that Florida was a place of fun but also a mission field, reporting that the previous year the Florida-Bahamas Synod organized three new congregations, completed two mission starts, and established one satellite congregation. In 2005, he said, the synod had organized five new congregations, four of which were Latino.

Last year at this time, Bp. Benoway said, Florida was bracing itself for four hurricanes. He thanked everyone for their prayers and support, much of which came through this church’s Disaster Response, while some came from other synods and from work teams coming from all over to help rebuild. He called attention to gifts that had been provided for voting members by the synod: palm tree seedlings as a reminder of the resiliency of the Church in the face of all kinds of forces and bags of fair-trade coffee as a reminder of the many in other places in the world that had not fared as well as the Florida-Bahamas Synod, citing Mexico as one example. He encouraged the assembly to support equal-exchange, fair-trade coffee as a means of supporting developing nations. He concluded by stating that the Florida-Bahamas Synod was pleased to be hosting this important assembly.

Introduction to Electronic Voting Procedures

(Reference: 2005 Pre-Assembly Report, Section I, pages 9–10)

For those new to the Churchwide Assembly, as well as for returning voting members, Presiding Bishop Mark S. Hanson gave a demonstration of the electronic voting system, then had voting members respond to several practice questions. He announced that most votes would be taken using the electronic system but that on occasion he would call for a voice vote. He reminded members that proxy voting was not permitted under the governing documents of this church and instructed them that they

were to use only the voting keypad located at their assigned seat. He acknowledged a generous grant from Thrivent Financial for Lutherans which had made this equipment available to the assembly.

Adoption of the "Rules of Organization and Procedure"

(Reference: 2005 Pre-Assembly Report, Section 1, pages 5–20)

Presiding Bishop Mark S. Hanson asked voting members to turn to the "Rules of Organization and Procedure" in Section I of the 2005 Pre-Assembly Report and briefly highlighted a few of the rules, giving particular attention to the deadlines and procedures for filing various items of assembly business. He pointed out that the deadlines were listed both in the "Rules of Organization and Procedure" in the Program, and in the proposed "Order of Business," which would serve as the agenda for the plenary sessions.

He declared that only voting members with appropriate credentials could come onto the floor of the assembly, that speeches would be limited to three minutes, that those speaking in favor of a resolution should go to a green microphone while those speaking against should go to a red microphone, and that white cards should be used if a voting member were rising for some other purpose, such as to make a motion or to rise to a point of order or personal privilege.

Presiding Bishop Hanson specifically mentioned the following deadlines and procedures:

- A resolution that was "new business" to this assembly would need to be presented to the secretary in writing no later than 10:45 A.M., Thursday, August 11, for referral to the Reference and Counsel Committee.
- In order to assure accuracy, all amendments would need to be presented in writing to the secretary's deputy, the Rev. Ruth E. Hamilton, who was seated at a table to the assembly's left of the podium.
- Substitute motions on a resolution being debated would be voted on only after the original motion was "perfected." Then the vote on the main motion would follow.
- Memorials from synod assemblies would be handled in two ways: Most of the 196 that had been received would be voted on *en bloc*, or in a group; others would be considered separately.
- Anyone who wished to have recommendations of the Memorials Committee removed from *en bloc* consideration or to submit a substitute proposal would need to inform the secretary or his deputy in writing by 10:45 A.M., Tuesday, August 9.
- Nominations for various boards, committees, and the Church Council would have to be submitted to the Nominations Desk by 2:25 P.M., Wednesday, August 10.
- Proposed amendments to the budget were to be submitted by 8:30 A.M., Friday, August 12.
- Requests to consider separately any of the proposed changes to the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* recommended by the Church Council were to be submitted in writing, with the support of 10 other voting members, to Secretary Lowell G. Almen or his deputy by 10:45 A.M., Wednesday, August 10.

- Proposals for amendments to constitutional provisions, bylaws, or continuing resolutions were to be given in writing to the secretary by 10:45 A.M., Wednesday, August 10.

Presiding Bishop Hanson stated that the proposed "Rules of Organization and Procedure" were being presented for adoption as a whole. He explained, however, that if any member wished to amend a particular provision in the proposed rules of procedure, add a new rule, or even discuss a particular rule, that provision would be considered separately and in sequential order from the rest, following approval of the remainder of the rules.

He also noted that the "Rules of Organization and Procedure" required a two-thirds vote for passage, but that under *Robert's Rules of Order* a motion to amend an individual rule required only a majority vote for passage. Therefore, each amendment would require two votes: one to amend (majority vote) and one to approve the rule as amended (two-thirds vote). Finally, Bishop Hanson said, if a proposed rule were not adopted, the ELCA governing documents provided that the assembly on that subject would be governed by *Robert's Rules of Order*.

Presiding Bishop Hanson then called on Secretary Almen to present the motion for the adoption of the "Rules of Organization and Procedure" in the "Order of Business."

Moved;

Seconded:

To adopt the "Rules of Organization and Procedure" for the 2005 Churchwide Assembly (exclusive of quoted and highlighted constitutional provisions and bylaws that already are in force); and

To include the following rule that was part of the "Rules" adopted by previous Churchwide Assemblies but that was inadvertently not included in "Part Three: Procedure and Quorum" of the printed text of the 2005 Pre-Assembly Report as a result of a typesetting error:

Departing from Agenda

With the consent of a majority of the voting members, the chair shall have the authority to call items of business before the assembly in whatever order he or she considers most expedient for the conduct of the assembly's business.

A motion to alter the agenda shall require for adoption a two-thirds vote of the voting members present and voting.

Presiding Bishop Hanson stated that if any voting member wished to discuss any rule separately, at this juncture the assembly would simply identify the rule, but that the language for any proposed amendment would then need to be brought in writing to the secretary's deputy.

Mr. Steven Chapman [Northwest Washington Synod] identified part 10, "Vote to Adopt Certain Recommendations from Task Force Reports," paragraphs 2 through 6, for individual consideration and amendment by paragraph.

The Rev. Stacie R. Fidler [Northern Illinois Synod] identified Part 18, paragraph 1 and following.

Mr. Paul Basting [Sierra Pacific Synod] identified part 10, "Vote to Adopt Certain Recommendations from Task Force Reports," paragraph 2.

A point of order was raised about how one could abstain using the voting machines. Secretary Almen said that any voting members who wanted an abstention recorded on a particular vote would need to submit their names to the secretary's deputy.

The Rev. Marshall E. Hahn [Northeastern Iowa Synod] asked three questions about Part 10, "Amendments to and Votes on Major Statements, Deadline for Submission": To which committee did the chair intend to refer? Would movers of motions be welcome to sit in with the committee considering their motion? And would the committee be looking at process only or also at possible substantive changes?

The presiding bishop explained that he had discretion to appoint an *ad hoc* committee to work with proposed amendments or substitutes on recommendations. The committee's goal would be to help perfect the motion by reviewing multiple motions with the same intent and bringing that intent to the floor in a single motion, thus helping those proposing amendments or substitutes to accomplish their purposes.

The Rev. Steven E. King [Southwestern Minnesota Synod] asked to separate from the motion to adopt the "Rules of Organization and Procedure" the second part that would include the rule adopted by previous Churchwide Assemblies, "Departing from Agenda," that was inadvertently not included in "Part Three: Procedure and Quorum" of the printed text of the 2005 *Pre-Assembly Report* as a result of a typesetting error.

The Rev. William (Chris) C. Boerger, bishop of the Northwest Washington Synod, gave notice that he wanted to amend the process of adopting rules by requiring a two-thirds vote to amend the proposed rules or to bring a substitute motion for a proposed rule.

Presiding Bishop Hanson stated that the rules that had been removed from *en bloc* consideration had been identified. Before moving to discussion of these, the assembly would consider the motion to adopt the proposed rules that remain *en bloc*.

Secretary Almen clarified that the motion on the floor was to adopt the rules of organization except for those separated out by voting members.

Ms. Diane L. Jacobson [Saint Paul Area Synod] rose to a point of order, asking if Part 10 was included in this vote.

Presiding Bishop Hanson said that it was included but was titled differently.

He then called for the vote, noting that a two-thirds majority was required.

**Assembly
Action
CA05.01.01**

**Two-Thirds Vote Required
Yes-905; No-57**

To adopt the "Rules of Organization and Procedure" for the 2005 Churchwide Assembly (exclusive of quoted and highlighted constitutional provisions and bylaws that already are in force, and the material removed for separate consideration).

Presiding Bishop Hanson stated that the assembly would now address the rules that had been removed for separate consideration or amendment, moving through the original document in the order in which the rules appeared. Secretary Almen identified each rule, then stated that the body would first act on the proposed amendment to the rules, then on part 10, followed by part 18, and then the addendum.

Bp. Boerger [Northwest Washington Synod] moved to amend the rules.

Moved;

Seconded:

To amend the process by which the standing rules are adopted to require a two-thirds vote of members present and voting to amend the proposed rules or to bring a substitute motion for a proposed rule.

Bp. Boerger said that currently two-thirds was required to adopt, but only a majority to amend; thus, for purposes of consistency, the two-thirds principle should apply across the board.

Mr. Timothy J. Mumm [South-Central Synod of Wisconsin] spoke against the amendment, saying that the assembly had started the process and needed to move ahead.

Mr. Douglas M. Wenzel [Minneapolis Area Synod] spoke against the amendment, asserting that *Robert's Rules of Orders* had served the assembly well and that he saw no good reason to change.

The Rev. Henry Schulte Jr. [Southwestern Texas Synod] spoke in favor, saying that this amendment would be a good way to deal with a group seeking to gain control on a particular action by what he considered to be an "end run."

Mr. Tim Fisher [Minneapolis Area Synod] spoke in opposition. He stated that this section had never been a rule at previous assemblies, so he wondered why a special rule was being created at this point. In his opinion, the proposed amendment had the effect of elevating statements of predecessor church bodies to the same level as those of this church's Churchwide Assembly.

Ms. Stephanie Olson [East-Central Synod of Wisconsin] spoke in favor of the amendment, asserting that it would bring clarity and consistency to the proceedings.

Mr. Thomas Salber [Southeastern Pennsylvania Synod] spoke in opposition, suggesting that only a majority would be needed for both.

Ms. Brittani A. Seagren [Nebraska Synod] spoke against the proposed amendment, saying that a simple majority for an amendment was adequate inasmuch as a two-thirds vote on the main motion was required.

Mr. Benjamin W. Lei [New Jersey Synod] spoke in favor and then called for the question.

Presiding Bishop Hanson ruled his call for the question out of order because he had spoken in favor of the proposed amendment.

The Rev. Marcia Cox [Metropolitan Washington, D.C., Synod] called the previous question.

Moved;

Seconded:

To end debate.

Two-Thirds Vote Required

Presiding Bishop Hanson reminded voting members that a motion to end debate was not itself debatable, and a two-thirds vote would be required to end debate.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-821; No-149*
Carried: To end debate.

Presiding Bishop Hanson explained that the assembly would proceed to vote on the proposed amendment, which required a two-thirds vote for passage because it was a new rule.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-510; No-461*
Defeated:

To amend the process by which we adopt the standing rules to require a two-thirds vote of members present and voting to amend the proposed rules or to bring a substitute motion for a proposed rule.

Presiding Bishop Hanson announced that the assembly would then address part 10, paragraph 2, on pages 12-13, Section I, *2005 Pre-Assembly Report*.

Mr. Steven R. Chapman [Northwest Washington Synod] moved to amend this paragraph.

Moved;
Seconded: To amend the “Rules of Organization and Procedure,” Section I, Part 10, pages 12 and 13, titled, “Vote to Adopt Certain Recommendations from Task Force Reports,” paragraph 2, as follows: Add a period following the phrase “of this church on the subject of the policy” and delete the remainder of the paragraph.

Mr. Chapman said that this rule, which would require a two-thirds vote to establish a new practice or policy contrary to a social statement received from the immediate predecessor church bodies, had not appeared in the rules for the eight prior Churchwide Assemblies of the ELCA, so he questioned why it had been included now. The 1987 Churchwide Assembly voted to receive statements from predecessor church bodies only as history, he asserted. He argued that to adopt this rule would elevate those statements to the same level of importance as the Churchwide Assembly, and that therefore this language should be deleted.

The Rev. James R. Crumley [South Carolina Synod] insisted that the two-thirds practice ought to be continued in this instance, pointing out that the Commission for a New Lutheran Church had declared that statements from predecessor bodies would be passed on as information until such time as the ELCA could adopt its own statements. He added that, because of the confusion on what the position of predecessor bodies was, and because this church had been unable to adopt a statement on sexuality, that a two-thirds vote should be required now. He said that the statements on sexuality of the Lutheran Church in America (LCA) and The American Lutheran Church (ALC) were very similar to one another and ought not be ignored on such an important question.

The Rev. Paul Tidemann [Saint Paul Area Synod] spoke in favor of the amendment, saying that predecessor statements were historical and that there was no provision at the creation of this church to suggest that they would have any force in the new church. Pr. Tidemann referred the assembly to CA87.30.13. He said that, in his opinion, the LCA and ALC statements were in fact considerably different and that it would be unfair to change the rule at this point to require a two-thirds majority on something that had required only a majority in the past.

Ms. Stephanie Olson [East-Central Synod of Wisconsin] spoke against the amendment, saying that to require less than a two-thirds majority would be inconsistent with other critical decisions made in the ELCA.

The Rev. Ann M. Tiemeyer [Metropolitan New York Synod] spoke in favor. She stated her belief that predecessor body statements were informational and historical for this church. She said that the ELCA already had a two-thirds rule in place for changes in constitutional provisions and bylaws, and that to add it in this case would be confusing.

Mr. Louis Hesse [Eastern Washington-Idaho Synod] asked for clarification of how the ELCA “Social Statement on Abortion” defined marriage. He asserted that if it defined marriage as between one man and one woman, any recognition of same-gender unions by this Churchwide Assembly would be in opposition to that social statement, and thus would require two-thirds.

Presiding Bishop Hanson observed that he did not have the text of that statement and called on the Rev. Rebecca S. Larson, executive director of the Division for Church in Society, to advise the assembly.

Pr. Larson said that she did not have the document in hand either, but referred members to a document from the 1997 Churchwide Assembly regarding the development of social statements that had interpreted what “historical document” meant: Absent a social statement by this church, where there was a predecessor statement, that statement would form social policy for the ELCA until such time as the Churchwide Assembly adopted a social statement of its own.

Mr. Hesse responded that that did not answer his question. Presiding Bishop Hanson asked Pr. Larson to explore the social statement on abortion to determine what it said about marriage and whether it was relevant here.

The Rev. Bryan S. Anderson [Northwest Synod of Wisconsin] spoke in opposition and pointed out two facts that he wanted the assembly to be aware of: The ELCA Constitution requires two-thirds majority for bylaw changes, as well as for statements on ecumenical agreements. If members of this church take those seriously, he said, this issue should be taken as seriously.

Ms. Allison A. Guttu [Metropolitan New York Synod] spoke in favor, saying that this was an important vote and that there should be consistency with the rules previously adopted.

Mr. Charles E. Kalthorn [Metropolitan New York Synod] spoke in opposition, saying consistency was needed. He added that after the process was completed, if the process needed to be changed, then the assembly should do so.

The Rev. Steven L. Ullestad, bishop of the Northeastern Iowa Synod, said that he was fairly confident that the only statement about marriage in the ELCA “Social Statement on

Abortion” referred to marriage as the only appropriate context for sexual intercourse.

When Presiding Bishop Hanson asked Bp. Ullestad if he thought that social statement was determinative for this discussion, he replied, “Not my call,” and the assembly responded with laughter.

Mr. Timothy J. Mumm [South-Central Synod of Wisconsin] asserted that there was nothing in the matters before the assembly that had to do with the definition of marriage.

Pr. Larson said that the social statement did not speak specifically to marriage as between one man and one woman.

The Rev. William R. Crabtree [Sierra Pacific Synod] spoke against the amendment. He said that he wanted to be confident that any assembly vote on the sexuality studies recommendations would be truly representative of five million Lutherans because the feedback by respondents to *Journey Together Faithfully, Part Two: The Church and Homosexuality* was almost two to one against, as he interpreted the data.

The Rev. Luther G. Swenson [East-Central Synod of Wisconsin] called the question.

Moved; **Two-Thirds Vote Required**
Seconded: To end debate.

The chair then called for a vote on the motion to end debate.

Moved; **Two-Thirds Vote Required**
Seconded; **Yes-895; No-84**
Carried: To end debate.

Presiding Bishop Hanson then called for the vote on the proposed amendment.

Moved; **Two-Thirds Vote Required**
Seconded; **Yes-363; No-618**
Defeated: To amend the “Rules of Organization and Procedure,” Section I, Part 10, pages 12 and 13, titled, “Vote to Adopt Certain Recommendations from Task Force Reports,” paragraph 2, as follows: Add a period following the phrase “of this church on the subject of the policy” and delete the remainder of the paragraph.

Bp. Boerger then moved the following amendment.

Moved;
Seconded: To amend all paragraphs in the section entitled “Vote to Adopt Certain Recommendations from Task Force Reports” in Part 10 by inserting the phrase “or amendments or substitute motions related to them” after the phrase “recommendations from a task force report” or “recommendations from a task force.” Thus, the sentence would read as follows:

“A two-thirds majority vote of the voting members of the Churchwide Assembly present and voting shall be required to

adopt recommendations from a task force [report] or amendments or substitute motions related to them.”

Bp. Boerger spoke in favor of the amendment, arguing that it would not be consistent to pass an amendment with only a majority, while requiring two-thirds majority for adoption of the rule. This could lead to confusion, he said.

Mr. Paul Basting [Sierra Pacific Synod] spoke in opposition, arguing that a two-thirds vote had only been required for bylaws and constitutional changes.

Mr. Frank M. Petrovic [Metropolitan Chicago Synod] spoke in opposition, saying that *Robert’s Rules of Order* had served the Churchwide Assembly well.

Presiding Bishop Hanson tried to clarify the action on the floor, pointing out that the assembly was debating the two-thirds majority rule, and that the proposed amendment had to do with the expansiveness of this rule relative to possible actions of this Churchwide Assembly. He asked speakers to keep their discussion to this proposed amendment, which if adopted would apply to any amendments or substitutes to the recommendations of the task force as well.

The Rev. Ray Tiemann, bishop of the Southwestern Texas Synod, agreed that the weight of a two-thirds vote would provide a stronger point from which to speak to this particular issue to others outside the assembly.

Ms. Stephanie M. Quigg [Southeastern Minnesota Synod] asked how many task force reports there had been where this would have mattered.

Presiding Bishop Hanson called on Secretary Lowell G. Almen to respond. Secretary Almen replied that the task force had submitted its report to the board of the Division for Church in Society, which transmitted it to the Church Council, which transmitted it to the Churchwide Assembly. He commented that the matter before the assembly did not involve the adoption of a social statement, but that that would be the most common model of something coming from a task force, which required a margin of two-thirds.

Ms. Quigg responded that her question was how many task forces had submitted recommendations that fell within this category.

Secretary Almen stated that he did not recall the exact number of social statements adopted by this church, but said he thought it was eight.

Mr. Matthew Erickson [Southwest California Synod] stated that it was unclear whether this meant two-thirds was necessary to amend or to adopt recommendations as amended or replaced. Bishop Hanson asked the maker of the motion to respond.

Bp. Boerger said it was his understanding that it would require two-thirds to adopt and, as the chair had described earlier, *Robert’s Rules of Order* would require a simple majority to amend. The purpose of the proposed amendment would be to make the process of amendment or substitution consistent with the process of adoption. He added that this would not affect the proposed adoption process in any way.

Presiding Bishop Hanson clarified that it would take a two-thirds majority to adopt this amendment.

Mr. Larry I. Rank [Oregon Synod] spoke in opposition. He observed that he had journeyed through the Oregon Synod in

preparation for this assembly and heard the people of Oregon talk about their feelings on issues coming before this assembly. He said he heard that in the past eight assemblies there had been a lot of contentious issues and that he did not think it was time now to change the rules.

An unidentified voting member rose for a point of information. She asked if this amendment affected anything besides the ELCA Studies on Sexuality.

Presiding Bishop Hanson said that this whole block of rules came relative to the recommendations of the task force, so these rules would be applicable to that piece of the assembly's work for the week.

The Rev. Michael E. Pancoast [Northwest Synod of Wisconsin Synod] called the question.

Moved; *Two-Thirds Vote Required*
Seconded: To end debate.

The chair then called for a vote on the motion to end debate.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-905; No-72*
Carried: To end debate.

The assembly then voted on the amendment.

Moved; *Yes-505; No-478*
Seconded;
Carried: To amend all paragraphs in the section entitled "Vote to Adopt Certain Recommendations from Task Force Reports" in Part 10 by inserting the phrase "or amendments or substitute motions related to them" after the phrase "recommendations from a task force report" or "recommendations from a task force." Thus, the sentence would read as follows:

"A two-thirds majority vote of the members of the Churchwide Assembly present and voting shall be required to adopt recommendations from a task force [report] or amendments or substitute motions related to them."

Presiding Bishop Hanson said that the body would now go back paragraph by paragraph through the rule as amended. He reminded assembly members that they would first need to go back and vote on whether they wanted to adopt the final version of paragraph two of that section, beginning, "A two-thirds majority vote of the members of the Churchwide Assembly present and voting shall be required to adopt recommendations from a task force or amendments or substitute motions related to them that would establish for this church a new practice or policy that is contrary to a social statement of this church on the subject of the policy or social statements received from the immediate predecessor church bodies of this church that have not been replaced or superseded by social statements or decisions of this church."

The Rev. John Stendahl [New England Synod] asked for a point of clarification. The first question had to do with the language of the recommendations. Pr. Stendahl wondered if this was the language of the Church Council or of the task force. His second question was, if there were an amendment, who would determine the degree of its contrariety to predecessor body social statements? If it became a point of contention in this body, would that determination be made by the chair, a body of the church, or the assembly itself?

Presiding Bishop Hanson replied that ultimately the decisions would rest with the assembly. He added that he hoped that the *ad hoc* committee, working with the makers, would be the first place to try to bring clarification. Ultimately the chair would have to rule, then the assembly would have to vote whether to sustain the chair. But, finally, he added, the work belonged to the assembly.

The chair then called on Secretary Almen to answer the first question. The secretary commented that the recommendations from the task force were informed by the process provided in the bylaws. A task force is named by a churchwide unit to carry out a particular purpose and reports its work to the unit board that created it. In the case of the Task Force for the Evangelical Lutheran Church in America Studies on Sexuality, that report was submitted to the boards of the Division for Ministry and the Division for Church in Society. He explained that the bylaws then provide that those boards in turn can make recommendations to the Church Council but that the obligation of the Church Council was to take those recommendations and put them into legislative language to present as recommendations to the Churchwide Assembly.

Presiding Bishop Hanson clarified that the motion before the assembly was to adopt as a rule paragraph two of that section as amended, and that it would require a two-thirds majority to adopt. He then called for the vote.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-566; No-411*
Defeated:

To adopt paragraph two as a rule: "A two-thirds majority vote of the members of the Churchwide Assembly present and voting shall be required to adopt recommendations from a task force or amendments or substitute motions related to them that would establish for this church a new practice or policy that is contrary to a social statement of this church on the subject of the policy or social statements received from the immediate predecessor church bodies of this church that have not been replaced or superseded by social statements or decisions of this church."

Presiding Bishop Hanson declared that the motion had failed and that the paragraph, since it did not receive two-thirds majority, was not adopted as a rule. He then directed the assembly's attention to the next paragraph under consideration.

The Rev. Linwood (Woody) H. Chamberlain Jr. [Northeastern Ohio Synod] rose to a point of order, asking the chair to explain under what rules the assembly was operating.

Presiding Bishop Hanson responded that the Churchwide Assembly operates under *Robert's Rules of Order* where the

body has not established its own rules, or the ELCA constitution and bylaws where they speak to action the assembly might be taking.

Mr. Victor Langford [Northwestern Washington Synod] asked if the failure of the previous motion meant that the whole paragraph had disappeared or simply that the change offered had been lost.

Presiding Bishop Hanson responded that the amendment was not adopted, having failed to achieve a two-thirds majority, and that it thus did not stand before the assembly as a rule.

The Rev. Martin D. Wells, bishop of the Eastern Washington-Idaho Synod, protested that the confusion resulted from the presiding bishop not saying that a two-thirds majority was required for passage.

The presiding bishop retorted that he had in fact made that clear to the assembly.

Ms. Catherine B. Malmstrom [New Jersey Synod] announced that she was not sure what had just happened and asked if the “old rule” as it had been printed now stood.

Presiding Bishop Hanson replied that there was no old rule. It had been a proposed new rule, and since it did not receive a two-thirds majority vote, it did not pass and therefore did not exist. He reiterated that adoption of a rule required a two-thirds majority vote.

The Rev. Luther G. Swenson [East-Central Synod of Wisconsin] stated that it had not been clear to the body that they were eliminating that entire paragraph and not simply the amendment, adding that this fact had come as a surprise to people seated in his area of the plenary hall.

Presiding Bishop Hanson said that he needed to ponder the matter because a vote had already been taken. He posited that, in order to revisit the matter, the assembly would have to have a motion to reconsider by someone on the prevailing side. He added that he would make an effort to be clearer in stating the implications of votes the assembly would be taking, as well as in stating the content of those votes.

The Rev. E. Peter Strommen, bishop of the Northeastern Minnesota Synod, asked the ramifications of the assembly’s action. He asked whether any of the remaining paragraphs of proposed rules, if they received less than a two-thirds majority, would they be lost and the assembly would then be relying on *Robert’s Rules*.

The presiding bishop responded that each of the paragraphs the assembly had chosen to remove from *en bloc* consideration would require a two-thirds majority to adopt. Failure to achieve two-thirds would mean that a paragraph would be eliminated and would not stand as a rule. At that point, per the governing documents, *Robert’s Rules* would become the operative rules of procedure.

Mr. Charles E. Kalthorn [Metropolitan New York Synod] asked if he could move to reconsider. Bishop Hanson answered that if Mr. Kalthorn had voted on the “no” side, which prevailed, he could, but since he had voted on the “yes” side, he could not.

Mr. John Emery [East-Central Synod of Wisconsin] asked what action would be required to reconsider.

Presiding Bishop Hanson said that someone who had voted on the prevailing side could move to reconsider. If the move to reconsider then prevailed, the matter could be placed before the assembly again. Since there was confusion, Bishop Hanson announced a brief pause so he could consult with the parliamentarian to see if there were a clearer way to state this.

After consultation with Parliamentarian David D. Swartling, Bishop Hanson informed voting members that there were things they could do: Someone could move to rescind or could move to reconsider. Such a motion would need to come before the end of business on Tuesday.

The Rev. David Zellmer [South Dakota Synod], affirmed that he had voted on the “no” side and then moved to reconsider.

Moved;

Seconded: To reconsider paragraph two as amended.

Ms. Brittani A. Seagren [Nebraska Synod] rose to a point of order, insisting that a motion to reconsider could not be put on the floor until an intervening motion had been put on the floor.

The parliamentarian ruled that the motion could in fact be reconsidered at this time. He added that a motion to reconsider was debatable but not amendable.

The Rev. Donald J. McCoid, bishop of the Southwestern Pennsylvania Synod, said that, consistent with the practice of adopting social statements and ecumenical agreements, he felt that there was a major issue before this assembly that this whole church would be watching closely. He suggested that anything less than a two-thirds majority, no matter what the decision, would not be helpful to this church. He spoke in favor of the two-thirds requirement in a vote for change because it would demonstrate strong support for the decision.

The Rev. Dennis R. Creswell [East-Central Synod of Wisconsin] asked if the assembly were considering the text that had been voted down, or the original text.

Presiding Bishop Hanson said that the motion before the assembly was to reconsider. If that motion were to prevail by a simple majority, the text as amended would be before the assembly.

The Rev. Stephen C. Norby [Southwestern Minnesota Synod] requested that a member of the Church Council explain the rationale of the rule.

Ms. Ellen T. Maxon, member of the Church Council, said it was her understanding that the text as amended was not the Church Council’s language.

Presiding Bishop Hanson said that the language that existed before the amendment was the Church Council’s language and that was what he was asking about.

Ms. Maxon said she could not explain the rule.

Mr. Carlos E. Peña, ELCA vice president and chair of the Church Council, said that it was his understanding that the council adopted this recommendation for a variety of reasons but that one of the main reasons had to do with predecessor body social statements.

The Rev. Laura Z. Erisman [Sierra Pacific Synod] spoke against reconsideration, saying that other weighty decisions at other Churchwide Assemblies had been made with a simple majority.

Mr. Michael D. Bennett [Metropolitan Chicago Synod] commented that *Robert’s Rules* knew nothing of ELCA council or task force processes and that the motion to reconsider was a great motion that would better serve the assembly than a rule that was designed for general circumstances.

In response to a question from an unidentified voting member, Presiding Bishop Hanson made clear that it would take a two-thirds vote to reconsider, which would mean that the

assembly would have the paragraph back before it as amended, and that would require a two-thirds majority to adopt.

Mr. Kai S. Swanson [Northern Illinois Synod] stated that the first paragraph already said that a two-thirds vote was required for constitution or bylaw changes.

Presiding Bishop Hanson commented that if a recommendation required a constitution or bylaw change, it would in fact require a two-thirds vote, and the body could not change that fact.

The Rev. Steven E. King [Southwestern Minnesota Synod] spoke in favor of reconsideration, pointing out that the assembly had already seen enough confusion on both sides. Therefore, it seemed reasonable to him to start afresh.

Mr. Patrick Monroe [Central/Southern Illinois Synod] observed that the amendment seemed to contain the same words that were in the *2005 Pre-Assembly Report* documents. He asked for clarification of the difference in wording of the amendment and the text as posted on the screen.

Presiding Bishop Hanson reminded the assembly that they had voted to insert words that were highlighted on the screen and that were not in the *2005 Pre-Assembly Report*.

Mr. Thomas Salber [Southeastern Pennsylvania Synod] asked why the assembly was not going back to the original since the amended version had been defeated.

Presiding Bishop Hanson responded that the question before the house was “Do you want to reconsider?” This would necessarily include the amendment because the amendment had been adopted by the assembly as part of that paragraph.

Ms. Barbara Zielinski [North/West Lower Michigan Synod] asked how many times a motion could be reconsidered.

The chair responded that it could be reconsidered once.

The Rev. Steven L. Ullestad, bishop of the Northeastern Iowa Synod, moved the previous question.

Moved; *Two-Thirds Vote Required*
Seconded: To end debate.

The chair then called for a vote on the motion to end debate.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-959; No-22*
Carried: To end debate.

The presiding bishop declared that the motion to reconsider was now before the assembly and called for members to vote.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-666; No-322*
Carried: To reconsider paragraph two as amended.

Presiding Bishop Hanson announced that the motion to reconsider had prevailed and that the second paragraph as amended was now before the assembly.

The Rev. Scott A. Kuechenmeister Hall [Southwestern Pennsylvania Synod] asked Presiding Bishop Hanson to explain why the assembly had been able to amend all of the rules with Bp. Boerger’s amendment, yet now had to go back and vote on each paragraph.

Presiding Bishop Hanson pointed out that the amendment from Bp. Boerger had affected every paragraph of the rules and

had been considered first for that reason. It had been a judgment call of the chair to facilitate the work of the body.

The Rev. Paul Tidemann [Saint Paul Area Synod] spoke against the rule. He observed that when the Rev. Rebecca S. Larson had spoken earlier in the session that she had said that the documents of the predecessor bodies were not in agreement and therefore were not decisive for this church.

Mr. Steven Chapman [Northwest Washington Synod] moved the previous question.

Moved; *Two-Thirds Vote Required*
Seconded: To end debate.

Mr. John Rowe [Western North Dakota Synod] asked whether, if the rule were defeated one more time, there might be a parliamentary procedure that would allow the assembly to get back to the original wording of the rule as it appeared in the *2005 Pre-Assembly Report*.

Presiding Bishop Hanson answered that if the assembly defeated the rule a second time, it would be able to reconsider the amendment but not something that had been rejected a second time.

Mr. Paul Erickson [South Dakota Synod] clarified that this was in fact what voting members did not understand: They thought they were amending the paragraphs that were in the book. They had not understood that if these paragraphs were voted down, they would disappear completely.

Presiding Bishop Hanson reminded voting members that the language in the Church Council recommendation called for a two-thirds vote because it contained constitutional language.

Mr. Erickson stated that he wanted to know how the assembly could get back to the language in the pre-assembly materials—the whole section on the rules, paragraph by paragraph.

Presiding Bishop Hanson informed him that the assembly would have to vote to close debate, then have that placed before them. The assembly would have to rescind the amendment to get back to the language in the pre-assembly materials. But, he continued, he was concerned that voting members not forget that the language before them in this rule that the assembly had amended was the language the assembly itself had crafted. He observed that if the assembly wanted a two-thirds standard, members should approve this rule as amended. If not, they should vote to defeat this rule. The adoption of all rules required a two-thirds vote, so each of these paragraphs would need to pass by a two-thirds margin.

The Rev. David P. Housholder [Pacifica Synod] asked if the chair felt confident that all members knew what they were voting on at this point.

Presiding Bishop Hanson replied that he wanted to test to see if the assembly wanted to end debate and that he would then explain what was being voted on and the implications of the vote.

Mr. Erickson proposed that if debate were continued, someone could move to amend by striking the amendments and that might be a quicker way to get to the original wording.

Presiding Bishop Hanson said that the assembly was now going to the main motion, and that there had been a call for the question.

The Rev. Darrell Jodock [Southwestern Minnesota Synod] summarized by saying that if members wanted to get rid of the

amendment, they should vote “no” on closing debate and then move to reconsider the amendment.

Presiding Bishop Hanson declared that Pr. Jodock was correct.

Moved;
Seconded;
Carried: **To end debate.**

Two-Thirds Vote Required
Yes-782; No-191

Presiding Bishop Hanson conferred with the parliamentarian. After consultation, he called the assembly back to order and said that members could rise only for points of privilege and not for debate of substance.

Pr. Henry Schulte [Southwestern Texas Synod] announced that he was moving the previous question.

The chair informed him that the question had already been called. Bishop Hanson said that the body would now vote on whether to adopt the paragraph as amended as a rule for this Churchwide Assembly. He specified that if members wanted this paragraph to be their rule, they should vote “yes”; if they were opposed, they should vote “no.” If two-thirds were to vote to adopt this as a rule, it would stand. If it did not receive two-thirds of the vote, it would disappear completely because the assembly had not adopted it. He repeated the two-thirds majority requirement.

The Rev. Warren D. Freiheit, bishop of the Central/Southern Illinois Synod, queried whether the assembly had voted to reconsider or just to end debate.

Presiding Bishop Hanson said that there had been a vote to reconsider and then a vote to close debate, and now the amended main motion was on the floor.

Ms. Annie M. Santos [Sierra Pacific Synod] asked whether if the rule were defeated again, it would be appropriate to move a reconsideration of the original language on what was proposed in the original document.

Presiding Bishop Hanson consulted with the parliamentarian, then stated that if the assembly were to defeat the rule as amended, it could not be reconsidered because it would have been defeated twice. He informed voting members that they could reconsider the amendment.

Ms. Tamara E. Riegel [West Virginia-Western Maryland Synod] rose to clarify a point: If the rule did not achieve two-thirds majority and it disappeared, would the assembly go back to *Robert’s Rules* and consequently need only a simple majority on the sexuality recommendations?

Presiding Bishop Hanson informed her that he could not hypothesize on this, since there was no way to know what would eventually come before the assembly. He reiterated, however, that if it were defeated, *Robert’s Rules* would stand along with provisions of the constitution and bylaws.

The Rev. Heidi W. Punt [Central/Southern Illinois Synod] suggested that if the assembly were not happy with the amendment that had been approved, it would be to the assembly’s advantage to approve this motion and then ask to reconsider the amendment.

Presiding Bishop Hanson responded that if members were of the mind that any actions taken by the assembly should require a two-thirds majority, they should vote “yes,” and if they felt a majority was appropriate, they should vote “no.” He then called on the Rev. Charles W. Mays, member of the Church Council, to lead the assembly in prayer.

Moved;
Seconded;
Defeated: **To adopt the reconsidered motion as amended.**

Two-Thirds Vote Required
Yes-630; No-355

The chair declared the motion defeated and thus not a rule of the 2005 Churchwide Assembly.

The Rev. Rosa M. Key [Southeastern Pennsylvania Synod] called for the orders of the day.

Presiding Bishop Hanson said that the order for the day was adoption of the rules and that as long as the assembly had incomplete rules before it, they would need to continue, because the rules were necessary for the work of the assembly.

Mr. Mike S. Schrey [Upper Susquehanna Synod] moved that the assembly adjourn immediately.

Moved;
Seconded: **To adjourn immediately.**

The chair then called for a vote on the motion to adjourn.

Moved;
Seconded;
Defeated: **To adjourn immediately.**

Yes-621; No-621

Mr. Steven Chapman [Northwest Washington Synod] moved an amendment.

Moved;
Seconded: **To amend the “Rules of Organization and Procedure,” Section I, Part 10, page 13, paragraph 3, “Vote to Adopt Certain Recommendations from Task Force Reports,” as follows: “To delete the words ‘two-thirds,’ leaving only the word ‘majority.’”**

Mr. Chapman stated that, according to the constitution and standing rules, the Churchwide Assembly was the highest legislative authority in this church. He argued that to require a two-thirds vote to revise a policy, a rule of the Church Council, would elevate the authority of the Church Council above that of the Churchwide Assembly.

Mr. Victor Langford [Northwest Washington Synod] spoke in opposition, stating that a lot of thought about what was best for this church had gone into the two-thirds requirement.

Ms. Allison A. Guttu [Metropolitan New York Synod] spoke in favor of the amendment. She argued that the Churchwide Assembly was its highest authority and that voting members should trust its decision-making and continue with a simple majority.

The Rev. Gregory R. Pile, bishop of the Allegheny Synod, spoke in opposition. He stated that the Allegheny Synod had requested that the Church Council propose a two-thirds majority requirement on these questions because there could be a significant change in practice and policy implicit in the vote. He continued by saying that, as his synod had looked at the recommendations, they had seen significant departures from 2000 years of Church history. A two-thirds vote would say to this church that it was not a single person who made this decision, but that two of every three persons present had discerned that it was meet and right to make these changes.

Mr. Benjamin Lei [New Jersey Synod] observed that he was impressed with the care for parliamentary procedures and the democratic process. But the Church is a theocracy and should be most faithful to God, he suggested. In recent studies, according to Mr. Lei, a significant majority of responders said they wanted to retain Scripture and tradition as this church's guide.

The Rev. Laura Z. Erisman [Sierra Pacific Synod] said that she respected the work of the Church Council but that she was aware that decisions of this kind over the years had been made by a simple majority. She urged the assembly to be a little less safe and a little more trusting in this process.

The Rev. Timothy J. Swenson [Western North Dakota] said that what this assembly would enact in these resolutions would be seen by this church, the nation, and the world as a social statement, so it seemed right and prudent to him that the assembly should adopt it, as had been the case with all other social statements of this church, by a two-thirds majority.

The Rev. Patrick V. Downes [Delaware-Maryland Synod] called the question.

Moved; *Two-Thirds Vote Required*
Seconded: To end debate.

The chair then called for a vote on the motion to end debate.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-942; No-33*
Carried: To end debate.

Presiding Bishop Hanson explained that, for the first full paragraph on the top of the left column on page 13, Section I, of the *2005 Pre-Assembly Report*, the amendment was to strike the words "two-thirds" so the text would read "majority vote." He stressed once again that it took a majority to adopt an amendment, but that if it were enacted, the assembly still would have to approve the rule by a two-thirds majority.

Moved; *Yes-309; No-668*
Seconded;
Defeated: To amend the "Rules of Organization and Procedure," Section I, page 13, Part 10, "Vote to Adopt Certain Recommendations from Task Force Reports," paragraph 3, as follows: "To delete the words 'two-thirds,' leaving only the word 'majority.'"

Presiding Bishop Hanson declared the motion defeated and stated that the rule as originally proposed now stood before the assembly.

The Rev. E. Roy Riley Jr., bishop of the New Jersey Synod, called the question.

Moved; *Two-Thirds Vote Required*
Seconded: To end debate.

The Rev. William (Chris) C. Boerger, bishop of the Northwest Washington Synod, rose for a point of clarification, noting that the assembly was voting to close debate on this rule as previously amended.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-943; No-39*
Carried: To end debate.

Presiding Bishop Hanson reminded voting members that they were now voting on the rule as previously amended. If they were in favor of the rule, they should vote "yes"; if opposed, they should vote "no." He repeated that a two-thirds majority was necessary for adoption.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-656; No-320*
Carried: To adopt the "Rules of Organization and Procedure," Section I, page 13, Part 10, paragraph 3, "Vote to Adopt Certain Recommendations from Task Force Reports."

The chair declared that the motion had prevailed.

Mr. Steven Chapman [Northwest Washington Synod] then rose to move to amend by deletion of paragraph four.

Moved;
Seconded: To amend the "Rules of Organization and Procedure," Section I, Part 10, page 13, paragraph 4, "Vote to Adopt Certain Recommendations from the Task Force Reports," by deleting the entire paragraph.

Mr. Chapman argued that any rule that required a bylaw change already required a two-thirds majority. Therefore, he reasoned, only a simple majority should be required of any recommendation of the Church Council that did not require a two-thirds vote by the ELCA constitution and bylaws or *Robert's Rules of Order*, since the Church Council was not granted authority that superceded that of the Churchwide Assembly, the highest legislative authority.

The Rev. Patrick V. Downes [Delaware-Maryland Synod] called the question.

Moved; *Two-Thirds Vote Required*
Seconded: To end debate.

The chair then called for a vote on the motion to end debate.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-892; No-88*
Carried: To end debate.

Presiding Bishop Hanson stated that the motion before the assembly was to amend by striking paragraph four, which began, "A two-thirds majority. . . ." He pointed out that it would take a majority to adopt an amendment.

Moved; *Yes-355; No-631*
Seconded;
Defeated: To amend the "Rules of Organization and Procedure," Section I, Part 10, page 13, paragraph 4, "Vote to Adopt Certain Recommendations from the Task Force Reports," by deleting the entire paragraph.

The chair declared that the motion to amend was defeated. He then informed voting members that paragraph four was now before them for consideration.

The Rev. E. Roy Riley Jr., bishop of the New Jersey Synod, rose to call the question.

Moved; *Two-Thirds Vote Required*
Seconded: To end debate.

The chair then called for a vote on the motion to end debate.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-901; No-73*
Carried: To end debate.

Presiding Bishop Hanson announced that the body would now vote on this rule, which required a two-thirds majority.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-646; No-333*
Defeated: To adopt the “Rules of Organization and Procedure,” Section I, Part 10, page 13, paragraph 4, “Vote to Adopt Certain Recommendations from the Task Force Reports.”

The chair declared the motion defeated and the rule therefore not adopted.

Mr. Steven Chapman [Northwest Washington Synod] moved to amend by deleting paragraph five.

Moved;
Seconded: To amend the “Rules of Organization and Procedure,” Section I, Part 10, page 13, paragraph 5, “Vote to Adopt Certain Recommendations from the Task Force Reports,” by deleting the entire paragraph.

Mr. Chapman stated that each synod was charged with maintaining a roster of ordained ministers and rostered laypersons related to the synod. The secretary of the ELCA also maintained a roster. Bishops and synods have significant oversight of the rosters of this church, so Mr. Chapman argued that synods should be trusted to provide oversight of rosters as they have been doing since the inception of the ELCA. Therefore, he reasoned, a special rule calling for two-thirds majority was unnecessary to allow synods to do work they already had been doing.

The Rev. H. Gerard Knoche, bishop of the Delaware-Maryland Synod, spoke in opposition to the amendment to delete, stating that the matters to come before the assembly would establish policy and therefore would require a two-thirds majority vote.

The Rev. Stephen P. Bouman, bishop of the Metropolitan New York Synod, called the question.

Moved; *Two-Thirds Vote Required*
Seconded: To end debate.

The chair then called for a vote on the motion to end debate.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-915; No-60*
Carried: To end debate.

Presiding Bishop Hanson stated that the assembly would now move to the motion to amend the rules by striking the paragraph. A majority vote would be required.

Moved; *Yes-333; No-644*
Seconded;
Defeated: To amend the “Rules of Organization and Procedure,” Section I, Part 10, page 13, paragraph 5, “Vote to Adopt Certain Recommendations from the Task Force Reports,” by deleting the entire paragraph.

The chair declared the motion defeated. Bishop Hanson then stated that the assembly would proceed to vote on the rule, which would require a two-thirds majority to adopt.

Mr. Patrick V. Downes [Delaware-Maryland Synod] moved to end debate.

Moved; *Two-Thirds Vote Required*
Seconded: To end debate.

The chair then called for a vote on the motion to end debate.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-829; No-149*
Carried: To end debate.

Presiding Bishop Hanson then invited the assembly to vote on the rule, which would require a two-thirds majority to adopt.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-649; No-337*
Defeated: To adopt the “Rules of Organization and Procedure,” Section I, Part 10, page 13, paragraph 5, “Vote to Adopt Certain Recommendations from the Task Force Reports.”

Mr. Steven Chapman [Northwest Washington Synod] then moved to amend by deleting paragraph six.

Moved;
Seconded: To amend the “Rules of Organization and Procedure,” Section I, Part 10, page 13, paragraph 6, “Vote to Adopt Certain Recommendations from the Task Force Reports,” by deleting the entire paragraph.

Mr. Chapman stated that, since the assembly was not voting on a social statement or the implementation thereof, such a special rule was unnecessary.

Mr. Patrick V. Downes [Delaware-Maryland Synod] moved all previous questions.

Moved; *Two-Thirds Vote Required*
Seconded: To end debate on all previous questions.

The Rev. Victor C. Langford III [Northwest Washington Synod] raised a point of order, asking how the assembly could vote on something that was not even on the floor, in effect deleting something that did not exist.

Presiding Bishop Hanson explained that the assembly had been advised at the very beginning of the consideration of the rules that if someone asked to remove a rule from *en bloc* consideration, that rule would later be taken up sequentially. The presiding bishop stated that the question before the assembly was that of ending debate.

Because there was a problem with some voting machines, the vote was by voice.

Moved; *Two-Thirds Vote Required*
Seconded; *Voice Vote*
Carried: **To end debate on all previous questions.**

The chair ruled that the motion to close debate had carried by a greater than two-thirds majority. He informed voting members that the next item on the floor was the motion to amend the rule by striking the paragraph, which would require a majority vote.

Moved;
Seconded; *Yes-386; No-601*
Defeated: To amend the “Rules of Organization and Procedure,” Section I, Part 10, page 13, paragraph 6, “Vote to Adopt Certain Recommendations from the Task Force Reports,” by deleting the entire paragraph.

The chair declared that the motion had failed and informed the assembly that it would now be voting on the rule itself, which would require a two-thirds majority for adoption.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-616; No-364*
Defeated: To adopt the “Rules of Organization and Procedure,” Section I, Part 10, page 13, paragraph 6, “Vote to Adopt Certain Recommendations from the Task Force Reports.”

Presiding Bishop Hanson stated that the motion had failed and therefore was not adopted as a rule. He then directed the assembly’s attention to page 20 of Section I, part 18.

The Rev. Stacie R. Fidler [Northern Illinois Synod] moved an amendment to paragraph one of that part.

Moved;
Seconded: To amend Section I, Part 18, page 20, paragraph 1 of the “Rules of Organization and Procedure” as follows: Add the words “registered visitors” after the words “official visitors.”

Pr. Fidler noted that, while official numbers had not been released, it appeared to her that there were large numbers of registered visitors, all of whom had come to speak and be heard on a variety of issues that would come before the assembly. Many had traveled long distances at their own expense. She argued that this amendment would allow registered visitors to

speak at hearings on the weighty issues coming before the assembly to the benefit of all.

The Rev. E. Peter Strommen, bishop of the Northeastern Minnesota Synod, asked what the rationale was for the existing policy.

Secretary Lowell G. Almen replied that the rule had arisen because of situations at certain past assemblies of the ELCA. It had been recommended by the Church Council because of previous complaints from voting members, who had been unable to express their opinions, ask questions necessary for their deliberations, or otherwise to participate fully in hearings because time was taken by advisory members and visitors. Based on evaluations and comments, the rule had been instituted to give precedence to voting members in their participation in the hearings.

The Rev. Steven L. Ullestad, bishop of the Northeastern Iowa Synod, called the question.

Moved; *Two-Thirds Vote Required*
Seconded: To end debate.

The chair then called for a vote on the motion to end debate.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-926; No-51*
Carried: **To end debate.**

The chair stated that the motion had carried. He then informed the assembly that it would vote on the amendment, which would require a majority vote.

Moved;
Seconded; *Yes-242; No-733*
Defeated: To amend Section I, Part 18, page 20, paragraph 1 of the “Rules of Organization and Procedure” as follows: Add the words “registered visitors” after the words “official visitors.”

Presiding Bishop Hanson announced that the motion had failed and that the assembly would now consider the rule as originally written.

Moved; *Two-Thirds Vote Required*
Seconded; *Yes-897; No-72*
Carried: **To adopt Section I, Part 18, page 20, paragraph 1 of the “Rules of Organization and Procedure.”**

Presiding Bishop Hanson stated that the rule on hearings was adopted. He added that there was one more action required regarding the rules, specifically adoption of the language on page three of the “Order of Business” for this date, August 8. This rule concerning departure from the agenda had inadvertently been omitted from “Part Three: Procedure and Quorum” of the printed text of the *2005 Pre-Assembly Report* as the result of a typesetting error.

The Rev. Steven E. King [Southwestern Minnesota] moved to amend the rule by addition.

Moved;

Seconded: To amend paragraph 3 to read, “With the consent of the majority of the voting members, the chair shall have the authority to call any non-actionable items of business before the assembly in whatever order he or she considers most expedient for the conduct of the assembly’s business.”

Presiding Bishop Hanson asked Pr. King to clarify the term “non-actionable.” Pr. King replied that non-actionable items were those that the assembly would not be voting on such as reports, greetings, and educational presentations but not “active business,” such as the assembly had been conducting in this session. Presiding Bishop Hanson asked if this would bind him so he could not move any items in the agenda that would require a vote. He pointed out that in cases where the work of the assembly has been completed early in a given session, the chair could bring forward business in order to make the best use of the time available.

Pr. King answered that he wanted to know when votes would be taken on significant proposed actions, so the assembly should follow the agenda. Other business could be adjusted by the chair to work around important votes.

Bp. Ullestad spoke against the amendment, saying that it was not helpful to tie the hands of the chair and that the assembly needed to allow for some flexibility.

Mr. Eric M. Peterson [Northwest Synod of Wisconsin] spoke against the motion. He suggested that the assembly could always overrule the chair and that this, therefore, was an action that was unnecessary.

The Rev. George E. Keck [Southeastern Pennsylvania Synod] called the question.

Moved;

Two-Thirds Vote Required

Seconded: To end debate.

The chair then called for a vote on the motion to end debate.

Moved;

Two-Thirds Vote Required

Seconded;

Voice Vote

Carried: To end debate.

Presiding Bishop Hanson ruled that the motion to end debate had carried by a greater than two-thirds majority and that the assembly would now vote on the amendment.

Moved;

Two-Thirds Vote Required

Seconded;

Yes-105; No-869

Defeated: To amend paragraph 3 to read, “With the consent of the majority of the voting members, the chair shall have the authority to call any non-actionable items of business before the assembly in whatever order he or she considers most expedient for the conduct of the assembly’s business.”

The chair announced that the motion to amend had failed, and that the assembly next would vote on the Addendum as printed in the “Order of Business.” He stated that a two-thirds majority would be required for adoption.

Assembly

Action

CA05.01.02

Two-Thirds Vote Required

Yes-902; No-67

To include the following rule that was part of the “Rules” adopted by previous Churchwide Assemblies that was inadvertently not included in “Part Three: Procedure and Quorum” of the printed text of the *2005 Pre-Assembly Report* as a result of a typesetting error:

Departing from Agenda

With the consent of a majority of the voting members, the chair shall have the authority to call items of business before the assembly in whatever order he or she considers most expedient for the conduct of the assembly’s business.

A motion to alter the agenda shall require for adoption a two-thirds vote of the voting members present and voting.

The chair declared the rules to be adopted.

The Rev. Keith A. Hunsinger [Northwestern Ohio Synod] asked that members be provided a copy of the rules on pages 12 and 13 of Section I as adopted by the assembly before they began debate on the task force recommendations. He also asked that the assembly receive a printed explanation of what the rules meant.

Organization of the Churchwide Assembly

•Roll of Voting Members

(Reference: 2005 Pre-Assembly Report, Section I, pages 6–8, 25)

Presiding Bishop Mark S. Hanson called upon Secretary Lowell G. Almen, on behalf of the Credentials Committee, to present the roll of voting members, advisory members, other members, and resource members of the assembly. Secretary Almen presented the roll as it appeared in the *2005 Pre-Assembly Report*, stating that a revised list would be created when synodical bishops certified an absence and an alternate had been certified by the secretary. He stated that a revised listing of those registered as voting members would be included in the final minutes of the assembly as an exhibit. There being no objection, the report was accepted.

Adoption of the Order of Business

(Reference: Order of Business [booklet])

Presiding Bishop Mark S. Hanson asked voting members to locate their copy of the printed booklet containing the scheduled “Order of Business.” Secretary Lowell G. Almen noted that Plenary Session Two would begin at 8:45 A.M. on Tuesday morning, August 9, a half-hour postponement due to the late hour of the first plenary session. With that correction, Secretary Almen moved the adoption of the “Order of Business.”

Moved;

Seconded: To approve the “Order of Business” of the 2005 Churchwide Assembly of the Evangelical Lutheran Church in America in keeping with the provisions of the “Rules of Organization and Procedure” for the calling of items of business before the assembly.

The Rev. Olaf Roynesdal [South Dakota Synod] moved an amendment.

Moved;

Seconded: That plenary sessions during which the 2005 Churchwide Assembly “meets as a quasi committee of the whole” on the Church Council recommendations related to the ELCA Studies on Sexuality, as well as sessions at which we vote on sexuality recommendations, be closed to all but voting members and advisory members.

Presiding Bishop Hanson said he questioned whether or not the amendment was germane to the motion before the body. He said he wanted to test the body on this and called for any further discussion.

Pr. Roynesdal said that this assembly would be making decisions that would require every ounce of credibility it has. He said he had received material from all sides and suggested that intimidation is one course of action. Without an audience, the assembly would have a chance to be more credible in its decision-making.

Ms. Allison Guttu [Metropolitan New York Synod] spoke against the amendment, stating that visitors who had traveled many miles at their own expense already were excluded from speaking at hearings and should be included in deliberations of the assembly. She also asked how many visitors were registered.

Presiding Bishop Hanson informed her that he did not have that information yet.

The Rev. Paul Tidemann [Saint Paul Area Synod] spoke against the amendment, saying that these visitors were members of this church and that it would be unwise to do anything to restrict their presence in the assembly.

Mr. Timothy J. Mumm [South-Central Synod of Wisconsin] said that doing things in secrecy did not strike him as a way of doing things honestly, and he asked that the motion be defeated.

The Rev. Michael J. Neils, bishop of the Grand Canyon Synod, asked if the motion had been ruled out of order, expressing his feeling that the subject should have been dealt with during the discussion of the “Rules of Organization and Procedure” that already had been approved.

Presiding Bishop Hanson said that he would let the assembly decide whether it is germane. Of the members voting, 784 thought it was not germane and 195 thought it was. The chair ruled that the amendment was not germane.

Presiding Bishop Hanson then called for a vote on approval of the “Order of Business.”

Assembly

Action

CA05.01.03

Yes-924; No-45

To approve the “Order of Business” of the 2005 Churchwide Assembly of the Evangelical Lutheran Church in America in keeping with the provisions of the “Rules of Organization and Procedure” for the calling of items of business before the assembly.

Recess

Presiding Bishop Hanson introduced Fred and Susan More, local arrangement committee chairs, and expressed his great appreciation of their work. The assembly expressed its appreciation with applause.

Secretary Almen reminded the assembly that Plenary Session Two would begin at 8:45 A.M. the next morning. He summarized significant deadlines. Presiding Bishop Hanson called upon the Rev. Diane (Dee) H. Pederson, member of the Church Council from St. Cloud, Minn., to lead the assembly in a hymn and prayer, and noted that at the conclusion of the prayer the assembly would be in recess until the next morning.