



Office of the Secretary
Evangelical Lutheran Church in America
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MEMORANDUM

To: Synod Bishops and Vice Presidents

From: Secretary David D. Swartling

Date: January 19, 2010

Subject: "Dual Rostering" of ordained ministers and congregations is impermissible under the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*

This memorandum responds to questions regarding the meaning and implications of being on a roster of the Evangelical Lutheran Church in America as an ordained minister and as a congregation. In each case, the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* establish criteria and specify expectations for entry onto and remaining on the applicable roster. These provisions provide the context for evaluating whether an ordained minister or a congregation may be "dually rostered" with another church body. As indicated below, the governing documents of this church expressly preclude dual-rostered status on the part of rostered ordained ministers. With respect to congregations, although an express prohibition does not exist, the governing documents of this church do not authorize congregations to join an additional church body. It is clear that a congregation cannot meet the criteria and expectations for congregations as specified in the governing documents of this church if it affiliates with another church body.

I. Ordained Ministers

Chapter 7 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* addresses ministry and prescribes the standards for ordained ministers. It provides that persons admitted to and continuing as ordained ministers of this church must comply with the governing documents of this church, as well as policies developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council. Nothing in Chapter 7 provides or implies that an ordained minister of this church also may be admitted to or maintained on the roster of another church body.

Chapter 8 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* addresses relationships and the interdependence of congregations, synods, and the churchwide organization of this church. Subsequent chapters address each of the expressions of this church and provide a framework and expectations for interdependent relationships. Parallel provisions exist in the *Constitution for Synods* and the *Model Constitution for Congregations*. (See, e.g., *S6.03. and *C4.03.) Ordained ministers, called to Word and Sacrament ministry as leaders in congregations and elsewhere, have responsibilities to comply with, support, and strengthen the relationships that are integral to the polity of this church.

Policies of this church developed according to the criteria in Chapter 7 and recognizing the relationships described in Chapter 8 include “Vision and Expectations for Ordained Ministers in the Evangelical Lutheran Church in America.” It states as follows:

The ordained minister supports not only the work of the congregation, but also the synodical and churchwide ministry of the Evangelical Lutheran Church in America. This church expects its ordained ministers to work in a collegial relationship with one another and to share mutual accountability with those in positions of leadership and oversight in this church.

Recognizing the inherent inconsistency between meeting the criteria for ordained ministers in the ELCA and another church body, bylaw 8.72.15.d. *expressly* prohibits dual-roster status on the part of ordained ministers. It provides:

Roster status in more than one church body is precluded in the Evangelical Lutheran Church in America. As required by ELCA churchwide constitutional provision 7.22. and bylaw 7.31.11., ordained ministers on the roster of the Evangelical Lutheran Church in America must accept and adhere to this church’s Confession of Faith, as well as abide by this church’s standards and policies for ordained ministers.

Under this explicit provision, an ordained minister of the ELCA who allows himself or herself to be on the roster of another church body violates the governing documents of this church and is subject to discipline under Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

The “Manual of Policies and Procedures for Management of the Rosters of the Evangelical Lutheran Church in America” (“Roster Manual”) also addresses the prohibition on dual rostering of ordained ministers. Part One, page 51 of the Roster Manual provides:

An ordained minister of this church who enters the ordained ministry of another church body, or who joins a religious group or congregation of another church body (except as provided in 7.41.17.), or who serves a group schismatic from this church or from a congregation thereof, shall cease to be a member of this church. The ordained minister’s name shall be removed from the roster of ordained ministers by the bishop of the synod, who shall report the action to the secretary of this church and to the next Synod Assembly.

In summary, the governing documents of this church and a long-standing policy preclude an ordained minister on the roster of the ELCA from joining another church body.

II. Congregations

The governing documents of the ELCA address “dual rostering” of congregations in only a limited and defined circumstance. No other form of “dual rostering” is constitutionally authorized.

Prior to 1999, no provision in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* authorized or allowed a congregation on the roster of this church also to be maintained on the roster of another church body. In 1999, the Churchwide Assembly amended the ELCA Constitution to add provisions to Chapter 9 implementing the “Formula of Agreement” by approving federated and union congregations with denominations with which the ELCA is in full communion [CA99.05.15]. Specifically, ELCA bylaw 9.91.01. was adopted to permit a federated congregation to be

one congregation that relates to both the ELCA and a church body in a relationship of full communion established by the Churchwide Assembly.¹ Only authorized federated congregations are allowed to be in this unusual “dual-roster” status. Because only this limited exception is authorized, a provision analogous to bylaw 8.71.15.d. that expressly prohibits dual rostering of a congregation in the same way that bylaw 8.72.15.d. addresses clergy is unnecessary.²

A more comprehensive analysis of the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* also demonstrates that a congregation is not authorized to join another church body while on the roster of this church. It cannot comply with the requirements of the governing documents of this church in so doing.

ELCA constitutional provision 9.22. establishes requirements that must be met by every ELCA congregation, regardless of when it was formed and the identity of its predecessor church body. This provision states: “All congregations of this church shall abide by the provisions of 9.21. [regarding roster criteria], 9.62. [regarding termination], and 7.46. [regarding termination of calls].”

ELCA constitutional provision 9.21. includes the following requirement for a congregation to be received or to maintain its status on the roster of this church:

This church shall recognize, receive, and maintain on the roster those congregations which by their practice as well as their governing documents:

. . . .

f. agree to support the life and work of this church.

This provision expressly requires that congregations support the life and work of this church *both* in their governing documents and in their practice.

What it means “to support the life and work of this church” requires a view of both the ecclesiology and the polity of this church as provided in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. ELCA constitutional provision 5.01. provides a useful starting point. It begins as follows: “The Evangelical Lutheran Church in America shall be one church.” Subsequent sub-paragraphs in this provision describe organizational principles and prescribe that congregations, synods, and the churchwide organization shall be “interdependent partners sharing responsibly in God’s mission” (5.01.c.).

¹ ELCA 9.91.01 provides: “A federated congregation is one congregation that is formed and maintained with the approval of both the synod in which the congregation is located and the comparable ecclesiastical entity of one or more church bodies with which a relationship of full communion has been established. A federated congregation shall conduct its life and work under a plan of agreement adopted by the federated congregation in accord with policy of the synod in which the federated congregation is located and the comparable entity or entities of a church body or church bodies with which a relationship of full communion has been declared by the Evangelical Lutheran Church in America, in accord with 8.71. and 9.91. . . .”

² Bylaw 8.72.15.d. is inapposite. Although the first sentence in bylaw 8.72.15.d. addresses “roster status,” the subject of the provision as a whole is ordained ministers. Both the context of the sub-paragraph and the second sentence indicate that the term “roster status” refers only to ordained ministers and not to congregations. Thus, it is not reasonable to read bylaw 8.72.15.d. to include congregations in its prohibition of roster status in more than one church body.

The *Model Constitution for Congregations* also contains a chapter titled “Church Affiliation.” Provision *C6.01. states:

This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the _____ Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.

ELCA constitutional provision 5.01.d. also provides that each congregation and synod must have governing documents that include the Confession of Faith and Statement of Purpose. The Confession of Faith chapters are substantively identical. (See Chapter 2 in the ELCA constitution, Chapter 4 in the *Constitution for Synods*, and Chapter 2 in the *Model Constitution for Congregations*.) The Statement of Purpose chapters contain provisions that are substantively parallel. Each constitution identically describes how this church participates in God’s mission in the world. (See 4.02., *S6.02., *C4.02.) Each constitution then contains provisions that address the ways that each expression will fulfill the common purposes of this church. Each constitution includes requirements to support and nurture interdependent relationships with the whole church. (See 4.03.o., *S6.03.f., *C4.03.h.) Support of this whole church on the part of congregations includes financial support. (See 8.15., *S6.03.e.5, and g., *C4.03.g., C12.04.h.)

In addition to common provisions addressing the Confession of Faith and Statement of Purpose, all of the governing documents contain an identical chapter titled “Nature of the Church.” The second provision in this chapter addresses the interrelationship between congregations and the broader church. This provision (3.02., +S5.02., *C3.02.) states:

The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. This church, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

Chapter 9 of *the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* defines congregations and their functions, describes criteria for recognition and reception, prescribes the process for termination of the relationship, and contains other provisions relating to organization and governance.

ELCA constitutional provision 9.41. includes the following in a description of the functions of a congregation in this church:

The congregation shall:

....

- g. Motivate its members to provide financial support for the congregation’s ministry and the ministry of the synod and the churchwide organization.
- h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization.
- i. Foster and participate in ecumenical relationships consistent with churchwide policy.

The *Model Constitution for Congregations* contains a provision making parallel commitments. (See *C4.03.g, h, i.)

Many other provisions in the governing documents of this church address the unique nature and implications of the interdependent relationships among the expressions of the ELCA. For example, each expression recognizes that “missional efforts must be shaped by both local needs and global awareness, by both individual witness and corporate endeavor, and by both distinctly Lutheran emphases and growing ecumenical cooperation” (ELCA 8.16.). Each covenants to call ordained ministers only from the rosters of this church (ELCA constitution Chapter 7, 9.21.d., *C9.02.). Each adopts a common process for discipline and adjudication (ELCA constitution Chapter 20, +S13.31., *C15.02). Parallel provisions provide for review of amendments to governing documents. (See Chapter 18 in the *Constitution for Synods* and Chapters 16 and 17 in the *Model Constitution for Congregations*.)

Provision *C6.03. in the *Model Constitution for Congregations* also specifically addresses aspects of the interrelationship among the expressions of the ELCA. It states:

This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:

- a. This congregation agrees to be responsible for its life as a Christian community.
- b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
- c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod.
- d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
- e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America.

The *Model Constitution for Congregations* also contains other provisions that connect congregations with the other expressions of the ELCA.³

Taken together, the provisions in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* create an organic whole that inextricably interconnects congregations, synods, and the churchwide organization. Evaluating what constitutes “support for the life and work of this church” on the part of a congregation requires an assessment of both these and other provisions in the governing documents, and also an analysis of the actual practices of the congregation. If a congregation chooses to be on the roster of another church body, it implicitly is repudiating the interdependent relationships that exist among expressions of the ELCA. If it fails to live up to the commitments contained

³ For example, in the chapter addressing the responsibilities of the pastor, the requirement exists in *C9.03.c.4. to “endeavor to increase the support by the congregation to the work of the churchwide organization” and to the synod. In C12.04.h., the Congregation Council is charged with the responsibility to “emphasize partnership” with the churchwide organization and synod, and C12.05.d. includes the following requirement: “The budget shall include the congregation’s full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.”

in the governing documents of this church, the congregation necessarily breaches the partnership relationships that are foundational in this church. It thus jeopardizes its standing on the roster of ELCA congregations.

Provision 9.31. of the ELCA constitution does not invalidate or circumvent this conclusion. This provision states:

Congregations of this church shall have authority in all matters that are not assigned by the constitution and bylaws of this church to synods and the churchwide organization.

This provision is applicable only where the governing documents of this church do not allocate authority to synods and the churchwide organization. Affiliation criteria and processes for reception and maintenance on the roster, in fact, are expressly allocated by the governing documents. The judgment on whether a congregation has breached its commitment to support the life and work of this church is made by the synod in whose territory the congregation is located, pursuant to ELCA constitutional provision 9.22. A congregation that repudiates its constitutional commitments to this church is subject to discipline under Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

III. Conclusion

Analysis of the governing documents of this church reveals an ecclesiology and polity in which the interdependence of congregations, synods, and the churchwide organization is a foundational principle. Each expression is inextricably interconnected with the others in the mission and ministry of this church. Each commits itself to support the other expressions in order to enhance the mission and ministry of the whole church. ELCA bylaw 8.72.d. expressly prohibits an ordained minister of the ELCA from serving on the roster of another church body. To do so would also violate, explicitly and implicitly, other provisions in the governing documents and policies of this church. With respect to congregations, amendments to the ELCA Constitution in 1999 authorized one type of dual rostering in the context of federated congregations. The absence of other provisions authorizing dual rostering in other circumstances indicates that such practice is not authorized. Further, a careful analysis of other provisions in the ELCA constitution, the *Constitution for Synods*, and the *Model Constitution for Congregations* shows that a congregation cannot fulfill its duties and responsibilities -- indeed, will abrogate them -- by joining the roster of another denomination. Within the ELCA, the responsibility for determining if a congregation meets its constitutional responsibilities is allocated to the synod.

In accordance with constitutional bylaw 13.41.04., which assigns responsibility for interpretation of the constitutions to the secretary of the ELCA, this memorandum is the official interpretation of the ELCA governing documents on dual rostering.

DDS/mbf