MINUTES
COMMISSION ON HANDBOOK
Internet Conference Meeting (zoom.us)
May 3, 2019

79. Call to Order
The meeting was called to order by Chairman Dr. Dale Sattgast on May 3, 2019 at 10:00 a.m. Secretary Totsky called the roll. Voting members Ms. Heidi Abegg, Mr. David Hawk, Dr. Richard Nuffer, Dr. Dale Sattgast, and the Rev. David Totsky were present. Advisory members Dr. George Gude, representative of the Commission on Constitutional Matters (CCM), Dr. John Sias, Secretary of the Synod, and Mr. Frank Simek, Chief Administrative Officer of the Synod were also in attendance.

80. Welcome
Chairman Sattgast welcomed all and thanked them for their participation.

81. Opening Prayer
Sattgast opened with prayer

82. Adoption of the Agenda
The single item on the agenda, possible constitution clarifications/amendments originating from CCM Op.19-2903, was presented.

83. Discussion of Articles Impacted by CCM Opinion Op. 19-2903
Dr. Sias led the Commission through a discussion of the issues originating from the CCM opinion. After discussing the various articles impacted, it was moved, seconded and carried to present a late overture for consideration by the Synod convention, as follows:

To Amend the Constitution to Address Individual Membership and Advisory Representation

Rationale
Const. Art. V B and XII 10 B catalog the categories of individual members of the Synod (ordained and commissioned ministers) other than those who are the voting pastoral delegates of each congregation-or-parish (Pfarrgemeinde, hereafter, parish, being understood to be one or more member congregations served by the same pastor[s]) and/or electoral circuit (listed in Const. Art. XII 10 A and V A, respectively). Const. Art. V B and XII 10 B serve, in the present Constitution of the Synod, a dual purpose. On the one hand, they specify those who are only advisory at a convention of a district or the Synod (cf. Bylaws 3.1.2.1 [d] and 3.1.3). On the other hand, they specify who, besides pastors who represent voting member congregations, can be an individual member of the Synod: other ordained ministers, commissioned ministers of various categories, and candidates for these offices, having once been installed to a first call (Bylaw 2.6.2). At present, the language of Const. Art. XII 10 is redundant with that of Const. Art V A–B, as the latter explicitly treats district and Synod conventions.

The Commissions on Constitutional Matters (CCM) and Handbook (COH) have been presented this triennium with three issues related to these two dual-purpose passages (and their partial reflections in Const. Art. VI 3, 6 and XII 9 c). The COH initially proposed to address the first two issues in two separate overtures, Ov. 9-18 and 9-39. With the third issue (prompted by CCM Op. 19-2903), it became apparent that all three issues were manifestations of the same constitutional problem—an unclarity, compounded with time and change, in the statement of individual membership and advisory representation—and thus could be addressed by a single constitutional amendment. This late overture proposes a unified solution to all three problems: those addressed in Ov. 9-18 and 9-39, as well as the new one of CCM Op. 19-2903.
Briefly, the three problems identified with the Constitution’s treatment of individual membership and advisory representation are as follows:

1. **Unclear advisory ordained participation in the district convention (Ov. 9-18):** In an earlier time beginning with the foundation of the Synod, when each parish (Pfarrgemeinde) had only one pastor (Prediger), all other called pastors being assistant pastors (Hilfsprediger), every individual member of the Synod had a clear and constant place under either Const. Art. V A (XII 10 A), as a representative of a voting congregation, or V B (XII 10 B), an advisory member (or under their pre-1917 predecessors, Const. Ch. III 1 or 2). Since at least 1970–72 (CCM Ag. 54, 377), however, when the CCM ruled (not without a recorded dissent) that associate pastors (a term arising in practice rather than by convention adoption) could serve as parishes’ voting pastoral delegates—and even more since the ratification of 2016 Res. 11-09 removed assistant pastors from the list of Const. Art. V B (XII 10 B), allowing parishes the option of designating them as voting pastoral delegates—this is no longer the case. Pastors in multi-pastor staffs can now move fluidly between Const. Art. V A and B, on the basis of a parish choice.

This is of little consequence, except that Const. Art. XII 10 B designates as advisory to the district convention, along with all commissioned ministers of the district, the ordained ministers listed. One pastor of each parish is voting; the others are to be advisory (cf. Bylaw 4.2.3: “All nonvoting ordained and commissioned ministers who are members of the Synod within the district shall serve as advisory delegates”). Const. Art. V B and XII 10 B had this same sense when adopted and translated between 1917–1924, and until the practice of naming associate pastors arose. Before that, one pastor was the voting Prediger, “the pastor,” and all others were Hilfsprediger, “assistant pastors,” listed as advisory in Const. Art. V B and XII 10 B. This is also the sense of the earlier language between 1847–1917, e.g., 1847 Const. Ch. III 3, “Advisory members are those orthodox pastors not empowered to vote by their parishes, and all candidates for the ministry and the teaching profession, and all representatives of parishes of Synod besides the delegates.” (This is the clear sense of Bylaw 4.2.3: “All nonvoting ordained and commissioned ministers who are members of the Synod within the district shall serve as advisory delegates.”) With the acceptance of associate pastors and the removal of assistant pastors from the list, however, the constitutional language has been deprived of its original sense in this respect. The constitutional language needs to be adjusted to maintain the original sense in a changed context: that all pastors of a parish other than the designated pastoral voter are advisory to the district convention.

2. **Language allowing multi-congregation parishes to send additional advisory lay delegates needs to be restored (Ov. 9-18):** The earlier historical practice in the Synod and the custom in certain districts more recently has been to allow for advisory lay representation from the congregations of a multi-congregation parish that did not provide the parish’s voting lay delegate. For example, the 1873 Handbuch (Handbook) provided: “While it is hoped for and desired that the various congregations of one pastor might each send its own [lay] delegate…only one at a time can represent [as voting lay delegate] the interests of the parish,” and the 1899: “A parish consisting of several congregations but having only one pastor can send only one voting [lay] delegate. Others sent are…only advisory members.” The commission, noting the continued increase in the number of multi-congregation parishes in the Synod, recommends restoring this historic practice in explicit constitutional language, to guarantee these advisory delegates their voice at district conventions.

3. **Confusion of individual membership with convention representation and attendance demands clarification (Ov. 9-18 and CCM Op. 19-2903):** The dual-purpose nature of Const. Art. V A (XII 10 A) and V B (XII 10 B) has resulted in confusion. Not only are terms member, representative, and delegate commingled, so is the sense. Successive conventions have, on the one hand, added to Const. Art. V B with the intention of adding categories of commissioned ministers, and removed from it, on the other, to grant to assistant pastors the ability to represent their congregations as voting delegates. The lists of Const. Art. V B and XII 10 B are simultaneously permissive,
extending the boundaries of individual Synod membership, and restrictive, preventing those so listed, including “professors at Synod’s educational institutions” from serving as voting members even if they are pastors called and installed to member congregations and otherwise eligible to serve as their congregations’ voting delegates. As “dual calls” become more prevalent, this has deprived at least one congregation that has regularly called and installed a pastor to its service (Const. Art. VI 3) of pastoral voting representation. The CCM has suggested that this should be corrected.

4. Opportunity to correct excessive duplication of language and absence of chief categories of individual membership (Ov. 9-39): Walther’s theses and book on Church and Ministry, declared to be the position of the Synod and the “pure doctrine” on Church and ministry in 1851–2, as reaffirmed in 2001 Res. 7-17A, holds that “The preaching office [Predigtamt] is the highest office in the Church, from which flow all other offices in the Church” (Office Thesis VIII, The Church and the Office of the Ministry [CPH, 2012], 284). These other public offices are the auxiliary offices [Hilfsämter], which flow from the chief office and assist it in various aspects of the work of public ministry. All offices are comprehended under the category of ministers of religion; the preaching office consists of ministers of religion—ordained (before 1986 and 1992 Bylaw and Constitution changes, respectively, “ministers of the Gospel”), and rostered members of the auxiliary offices comprise the ministers of religion—commissioned (before 1986 and 1992 changes, “teachers” or “teachers and deaconesses”; now including many added aspects of auxiliary ministry). The list of categories of commissioned ministries has been adjusted over time, and an attempt is being made to do so again this convention. Were the broad categories to be acknowledged, and the details left to the bylaws, it would relieve the Synod of making many changes to its constitution, requiring congregational ratification, to add to or adjust the names of the various offices. Related unclariities relating to the non-listing of emeriti and the fact that membership is available only to those candidates who have previously been installed to a first call in the Synod, should likewise be corrected.

The solution proposed by the Commission on Handbook is the following constitutional amendment, which would address individual membership and advisory representation as follows:

1. to treat individual membership in the Synod as distinct from voting and advisory convention participation. The former will be treated in Const. Art. V B; the latter, in Const. Art. IX, for the Synod convention, and XII 10, for district conventions (compare Bylaws 1.2.1 [l]; 3.1.2–3.1.2.1; 3.1.3–3.1.4.6).

2. to treat the broadest categories of individual membership more clearly in the Constitution of the Synod, in a manner reflecting Walther’s Church and Office, leaving commonly-amended details, or those calling for more extensive elaboration than appropriate to the Constitution, to the Bylaws (for example, specifying those auxiliary offices recognized for commissioning in a new Bylaw 2.6.1.1).

3. to have the same sense as existing constitutional language, except where the above-noted problems are addressed.

Therefore be it

Resolved, That the Constitution of the Synod be amended, in the articles here listed, as follows:

PRESENT/PROPOSED WORDING

Article V Membership

Membership in the Synod is held and may be acquired by congregations and individuals, ministers of religion—ordained and ministers of religion—commissioned, such as teachers, directors of Christian education, directors of Christian outreach, directors of family life ministry, directors of parish music,
deaconesses, parish assistants, and certified lay ministers of the Evangelical Lutheran Church who confess and accept the confessional basis of Article II.

A. Voting Members

All organized congregations that have joined the Synod hold voting membership. At the meetings of the districts of the Synod every congregation or parish is entitled to two votes, one of which is to be cast by the pastor and the other by the lay delegate. At the meetings of the Synod a number of congregations shall form a group which shall be represented by two voting delegates, one a pastor and one a lay delegate.

B. Advisory Individual Members

Advisory Individual members only of the Synod, who are non-voting except for those pastors exercising the vote of a member congregation or congregations, are the following:

1. Pastors, ordained ministers, called and installed to a member congregation
2. Pastors, ordained ministers, whose congregations do not hold membership in the Synod
3. Ministers: Ordained ministers, not in charge of called and installed to a congregation, serving in a capacity recognized in the Bylaws of the Synod
4. Professors at the Synod’s educational institutions
5. Teachers of the Evangelical Lutheran Church: Commissioned ministers equipped for service in an auxiliary office of ministry designated in, and serving in a capacity recognized by, the Bylaws of the Synod
6. Directors of Christian education
7. Directors of Christian outreach
8. Directors of family life ministry
9. Directors of parish music
10. Deaconesses
11. Parish assistants
12. Certified lay ministers
13. Candidates for the office of the ministry, ordained ministers, or for an auxiliary office, commissioned ministers, for that of a teacher of the Evangelical Lutheran Church, for director of Christian education, for director of Christian outreach, for director of family life ministry, for director of parish music, for deaconess, for certified lay minister, or for parish assistant having formerly been installed to a first call within the Synod.
14. Emeriti of the office of the ministry, ordained ministers, or of an auxiliary office, commissioned ministers.

Article VI Conditions of Membership

Conditions for acquiring and holding membership in the Synod are the following:

3. Regular call of pastors, teachers, directors of Christian education, directors of Christian outreach, directors of family life ministry, directors of parish music, deaconesses, certified lay ministers, and parish assistants, and any commissioned ministers and regular election of lay delegates by the congregations, as also the blamelessness of the life of such.

6. Pastors, teachers, directors of Christian education, directors of Christian outreach, directors of family life ministry, directors of parish music, deaconesses, certified lay ministers, Ordained and commissioned ministers, or candidates for these offices not coming from recognized orthodox church bodies must submit to a colloquium before being received.
Article IX Representation

The synodical meetings are composed of regularly elected and delegated representatives and of certain individual persons, as specified in the Bylaws, to wit:

1. Representatives of congregations, entitled to vote. A number of congregations shall form a group which shall be represented by two voting delegates, one a pastor and one a lay delegate.

2. Advisory representatives of the advisory members of the Synod such individual members as are ineligible to represent congregations as voting delegates and ineligible to represent other entities or offices in the Synod as advisory representatives.

3. Advisory representatives of boards, commissions, and educational institutions and such as by virtue of their office are required to attend the Synod.

Article XII Districts of the Synod and Their Regulation

7. The district presidents shall, moreover, especially exercise supervision over the doctrine, life, and administration of office of the ordained and commissioned ministers of their district and acquaint themselves with the religious conditions of the congregations of their district. To this end they shall visit and, according as they deem it necessary, hold investigations in the congregations. Their assistants in this work are the circuit visitors, who therefore shall regularly make their reports to the district president.

8. District presidents are empowered to suspend from membership ordained and commissioned ministers for persistently adhering to false doctrine or for having given offense by an ungodly life, in accordance with such procedure as shall be set forth in the Bylaws of the Synod.

9. Furthermore, the district presidents shall

…

10. The meetings of the districts of the Synod are composed of the following:

A. Voting Representatives Delegates

The pastors of such congregations as hold voting membership in the Synod and the lay delegates elected and deputed by these congregations shall be voting representatives. Every member congregation or multi-congregation parish is entitled to two votes, one of which is to be cast by its pastor and the other by the lay delegate elected and deputed by the congregation or parish.

B. Advisory Members Delegates

Advisory members delegates are:

a. Pastors whose congregations do not hold membership in the Synod
b. Ministers not in charge of congregations
c. Professors at the Synod’s educational institutions
d. Teachers of the Evangelical Lutheran Church
e. Directors of Christian education
f. Directors of Christian outreach
g. Directors of family life ministry
h. Directors of parish music
i. Deaconesses
j. Parish assistants
k. Certified lay ministers
l. Candidates for the office of the ministry, for that of a teacher of the Evangelical Lutheran Church, for director of Christian education, for director of Christian outreach, for director of family life ministry, for director of parish music, for deaconess, for certified lay minister, or for parish assistant.

all commissioned ministers, and those ordained ministers not presently serving as voting representatives of congregations, who are members of the Synod within the district. In addition, a congregation that is part of a multi-congregation parish, other than the congregation supplying the voting lay delegate, may elect and depute an advisory lay delegate.

…

Article XIII Expulsion from the Synod

…

3. If the member expelled is a pastor or teacher in an ordained or commissioned minister serving a congregation of the Synod, such congregation, unless it has already done so, is held to depose him from office and to deal with him in accordance with the Word of God, notwithstanding an appeal. If it persistently refuses to do so, the respective district is to deal with it. If all negotiations and admonitions fail of their purpose, such congregation forfeits its membership in the Synod.

…

And be it further

Resolved, That the Bylaws of the Synod be amended, as here listed, and upon ratification of the above constitutional amendment, as follows:

PRESENT/PROPOSED WORDING

2.6 Individual Membership

2.6.1 “Ministers of the Gospel,” designated by the Synod as “ministers of religion—ordained” (ordained ministers) or “ministers of religion—commissioned” (commissioned ministers), are eligible for membership in the Synod.

2.6.1.1 The roster of commissioned ministers shall admit eligible teachers, directors of Christian education, directors of Christian outreach, directors of family life ministry, directors of parish music, deaconesses, parish assistants, and certified lay ministers.

…

2.11 Continued Eligibility of Individual Members

…

Inactive Members

2.11.2 Inactive members are advisory, may be retained as individual members of the Synod.

(a) As such, they have all the rights, privileges, and responsibilities of advisory individual membership in the Synod as defined in the Constitution and Bylaws of the Synod.

(b) To remain on the roster of the Synod as an inactive member, an ordained or commissioned minister of religion must be a communicant member in good standing of a congregation which is a member of the Synod and must qualify and make application for one of the following categories.
3.1 National Conventions

Voting Delegates

3.1.2.1 Elections of voting delegates shall take place in accordance with established policy and procedure.

(d) All pastors called and installed to circuit congregations who are not advisory members under Article V B of the Constitution and not specific ministry pastors shall be eligible for election.

(e) Prior to the meeting of the electoral circuit, each congregation may nominate one layperson (i.e., not a commissioned or ordained minister), either from its congregation or from the circuit. These names must be submitted to the circuit visitor prior to the day of the circuit meeting and shall constitute the slate of candidates. All congregational nominees, except those who have been eliminated through the election of the pastoral delegate, shall be eligible for election.

Nonvoting Advisory Delegates

3.1.3 Advisory members of the Synod shall attend district conventions, but they shall not be elected by any congregation or by any group of congregations as lay delegates to a national convention of the Synod. The advisory delegates of a district convention shall consist of all individual members of the Synod within the district, except those pastors representing member congregations as voting delegates. In a convention of the Synod, advisory members of the district (all commissioned ministers and those ordained ministers not eligible for election as a voting delegate under Bylaw 3.1.2.1 [d]) shall be represented as follows:

4.2 District Conventions

4.2.3 All nonvoting ordained and commissioned ministers who are members of the Synod within the district shall serve as advisory delegates.

(a) They are entitled to voice and vote on a floor committee, if appointed, and to voice in the convention.

(b) All advisory members delegates are expected to attend all sessions of the convention.

(c) Those advisory members delegates whose office in the Synod, district, or other agency imposes professional or service requirements on which full and regular convention attendance makes undue demands, shall nevertheless, in consultation with their supervisory boards, arrange for their own partial or occasional attendance and participation in accordance with policies established by their supervisory boards.
84. **Next Meeting**

The Commission was reminded of the following upcoming meetings.

a. Floor Committee Meetings: May 31 (begin at noon) – June 3, 2019 (International Center, STL)
b. Synod Convention: July 19 (begin at 8:30 a.m.) – 25, 2019 (Tampa, FL)
c. First Post-Convention Meeting: TBA

85. **Adjournment**

Having completed business on the present agenda, the meeting closed with Dr. Sattgast closing with prayer. Meeting adjourned at 11:04 a.m.

Reverend David W. Totsky  
*Secretary, Commission on Handbook*