

Recommendations: Proposed Bylaw Related to Ordination in ‘Unusual Circumstances’

The Conference of Bishops of the Evangelical Lutheran Church in America approved in March 2000 a “pastoral letter” related to “Called to Common Mission.” The letter said, in part:

We affirm and support the action of the 1999 Churchwide Assembly in adopting “Called to Common Mission.” This decision of our church for full communion with The Episcopal Church is a promising step that strengthens the mission of Christ’s Church....

We desire that implementation of “Called to Common Mission” enable full participation in the Evangelical Lutheran Church in America of all members. We trust that God’s reconciling power will continue to guide the conversations among supporters and opponents in this matter.

We encourage addressing these concerns through continuing prayer, study, and conversation in our congregations and other settings, deliberations in synodical and churchwide assemblies, possible amendments to the constitution or bylaws of this church, and the development of policies for the implementation of this full-communion agreement. As we gradually live into a relationship of full communion, we invite the *exploration of possible ways to allow a synodical bishop, in unusual circumstances and with appropriate consultation, to authorize another ELCA pastor to preside at an ordination.* We ask the ELCA Church Council, in consultation with the presiding bishop of this church, to pursue this exploration as part of our continued broad consultation in this church and with The Episcopal Church... [emphasis added].

The Church Council of the Evangelical Lutheran Church in America, at its April 2000 meeting, adopted a resolution (CC00.04.09) related to the implementation of “Called to Common Mission.” The resolution said, in part:

3) To receive with gratitude the pastoral letter on the implementation of “Called to Common Mission” that was prepared by the Conference of Bishops for distribution by members of the Conference of Bishops within the respective synods and as advice and counsel to the Church Council...;

6) To urge that the orderly processes for decision-making within the Evangelical Lutheran Church in America be observed and practiced in

respect for all members of this church as ongoing concerns are studied, discussed, and addressed...;

8) To invite continuing prayer, study, and conversation in our congregations and other settings, deliberations in synodical and churchwide assemblies, possible amendments to the constitution or bylaws of this church, and the development of policies for the implementation of this full-communion agreement...;

11) To recognize that...there will be opportunity to examine jointly [with The Episcopal Church] ways to practice the commitments of full communion, exploring together a variety of matters, which include possible ways *to allow a synodical bishop, in unusual circumstances and with appropriate consultation, to authorize another ELCA pastor to preside at an ordination...* [emphasis added].

Since the April 2000 meeting of the Church Council, several resolutions from synodical assemblies affirmed the possibility of proposing such amendments to the 2001 Churchwide Assembly.

On July 30, 2000, the Church Council voted (CC00.07.35):

To request that the Legal and Constitutional Review Committee—in consultation with the presiding bishop and secretary—submit to the November 2000 meeting of the Church Council proposed amendments to allow a synodical bishop, in unusual circumstances and with appropriate consultation, to authorize another ELCA pastor to preside at an ordination.

Between the July and November 2000 meetings of the Church Council, the presiding bishop and secretary continued conversation with appropriate representatives of The Episcopal Church, the Division for Ministry, the advisory committee of the Department for Ecumenical Affairs, and the Conference of Bishops related to such amendments.

Two amendments were proposed in November 2000 by the Church Council to churchwide constitutional provision 10.31.a.9 and to †S8.12.c. in the *Constitution for Synods*. Those amendments relate to existing bylaws regarding entry to the roster of ordained ministers of the Evangelical Lutheran Church in America:

1. *Existing churchwide bylaw 7.31.14., which addresses admission to the roster of ordained ministers of candidates ordained*

- in another Lutheran church body or another Christian church body;*
2. *Existing churchwide bylaw 7.31.15., which provides for the possibility of reinstatement*
 3. *Existing churchwide bylaw 8.72.15.c., which concerns transfer to the ELCA roster of ordained ministers of full communion partner churches.*

The two proposed constitutional amendments (*additions underlined*) are:

- 10.31.a. As the synod's pastor, the bishop shall: . . .
- 9) Exercise solely this church's power to ordain (or provide for the ordination by another synodical bishop of) approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ordained ministry (and as provided in the bylaws of this church) . . . [*with the remainder unchanged*].
- †S8.12. As this synod's pastor, the bishop shall be an ordained minister of Word and Sacrament who shall:...
- c. Exercise solely this church's power to ordain (or provide for the ordination by another synodical bishop of) approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ordained ministry (and as provided in the bylaws of the Evangelical Lutheran Church in America).

Those two proposed constitutional amendments (above in 10.31.a.9 and †S8.12.c.) also may provide for a bylaw on the possible authorization by a synodical bishop of an ordination under unusual circumstance as a pastoral exception to the ELCA's practice of ordination by an ordained minister of this church currently holding the office of synodical bishop.

The Conference of Bishops, in both the October 2000 and March 2001 meetings, affirmed the continuing effort of the Church Council to seek a pastoral means of implementing "Called to Common Mission" that both recognizes the theological concerns within this church while seeking to live fully and faithfully in full communion with The Episcopal Church.

The action of the Conference of Bishops took place in the context of two previous resolutions—one adopted by the Conference of Bishops in March 1999 and the other from the House of Bishops of The Episcopal Church in April 2000. The resolution of the Conference of Bishops, commonly known as the Tucson Resolution,¹ addresses implementation of elements of "Called to Common Mission" in the ELCA. The Mind of the House Resolution² of The Episcopal Church addresses implementation of "Called to Common Mission" in The Episcopal Church. Each church body remains responsible for its internal governance, oversight, and life.

In October 2000, the Conference of Bishops discussed six examples of possible bylaw

to the roster of ordained ministers of persons previously ordained in the Evangelical Lutheran Church in America or a predecessor church body; and

amendments on ordination in unusual circumstances.

In that discussion, the following elements were:

- (1) That it be a pastoral decision of the synodical bishop informed by guidelines developed by the Division for Ministry in consultation with the Conference of Bishops;
- (2) That the bishop consult with the presiding bishop of this church to consider the ecumenical implications of this action; and
- (3) That the bishop receive the advice of the Synod Council under the guidelines.

The issue being addressed in this discussion is the liturgical practice of ordination. That is, the bylaw would relate to approved candidates for ordination. Synodical candidacy committees would continue the established pattern for guidance and approval of candidates. Candidates for ordination who wish to request an exception from ordination by a pastor who serves as a synodical bishop will make the request to the bishop of the synod to which the candidate has been assigned for first call. Consideration of such a request will not be a factor in the deliberations of the candidacy committee as it assesses those seeking to enter the ordained ministry of this church.

As was the case in predecessor church bodies, likewise in the ELCA, the synodical bishop is assigned responsibility for the exercise of this church's power to ordain properly approved, regularly called candidates for the ministry of Word and Sacrament. As specified in the policy on authorization for ordination, "No candidate shall make plans for ordination prior to consultation with the synodical bishop under whose authority the candidate is to be ordained" (*Manual on Policies and Procedures for Management of the Rosters, Part One, page 5*).

At the November 2000 meeting, the Church Council voted (CC00.11.60):

To refer to the Office of the Presiding Bishop—for appropriate consultation with the Conference of Bishops, ecumenical partners, and others—the text of a possible bylaw that would permit a synodical bishop to authorize an ordination in unusual circumstances by a pastor other than a pastor holding the office of synodical bishop; and

To request a report at the April 2001 meeting of the Church Council, so that the Church Council may consider at that time transmission to the 2001 Churchwide Assembly of the Evangelical Lutheran Church in America of a possible amendment on this subject for the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*:

7.31.17. Ordination in Unusual Circumstances. For pastoral reasons in unusual circumstances, a synodical bishop may provide for the

ordination by another pastor of the Evangelical Lutheran Church in America of an approved candidate who has received and accepted a properly issued, duly attested letter of call for the office of ordained ministry. Prior to authorization of such an ordination, the bishop of the synod of the candidate's first call shall consult with the presiding bishop as this

Following the November 2000 meeting of the Church Council, the consultation specified in the council's action took place. A report on the consultation was presented to the March 2001 meeting of the Conference of Bishops, the subsequent meeting of the board of the Division for Ministry, and the Church Council's April 2001 meeting.

The Conference of Bishops in March 2001, in response to the Church Council's request for advice, voted to commend the text of the bylaw for transmission by the Church Council to the Churchwide Assembly. In discussion, members of the Conference of Bishops were concerned to see these proposals as a way to live into the relationship of full communion with The Episcopal Church and not as a means to alter the established agreements of "Called to Common Mission." At the same time, the members of the Conference of Bishops expressed concern that the proposal be presented in a form that would obtain the required two-thirds support of the voting members of the Churchwide Assembly. To achieve that level of support, members of the Conference of Bishops indicated, members of the Evangelical Lutheran Church in America who fully support the relationship of full communion likely would want the assurance that this proposal does not undercut the Lutheran-Episcopal relationship. Support also would be needed of those who have questions about the relationship of full communion and who desire a certain amount of what some have termed "evangelical freedom" as this relationship unfolds.

Subsequent to the March 2001 meeting of the Conference of Bishops, the board of the Division for Ministry met. Extensive discussion took place in the board meeting on the proposed policy that would be related to the proposed bylaw. The board's discussion focused particularly on the policy document. Debate also ensued on whether there should be a "sunset" stipulation in the bylaw or policy. Such a "sunset" clause had been proposed, stipulating that only candidates who began the process leading to ordained ministry prior to January 1, 2001, would be eligible to apply for an exception to ordination by a synodical bishop. Assuming that all such persons would have completed the process

church's chief ecumenical officer and shall seek the advice of the Synod Council. The pastoral decision of the synodical bishop shall be informed by guidelines developed by the Division for Ministry, reviewed by the Conference of Bishops, and adopted by the Church Council.

leading to ordination by the summer of 2007, the proposed "sunset" clause would have caused the bylaw to expire at the end of the 2007 Churchwide Assembly, thus eliminating the possibility for any such exception after that time. The board of the Division for Ministry followed the advice of the Conference of Bishops and removed the proposed "sunset" clause.

The text of the policy document related to the proposed bylaw is provided for information in Section V, pages 67-68, of the *2001 Pre-Assembly Report*.

The Church Council in April 2001 also heard a summary of responses by representatives of The Episcopal Church in the consultation requested by the council in November 2000. The text of a letter from Presiding Bishop Frank T. Griswold of The Episcopal Church was provided to the members of the council. The letter had been received in response to the Church Council's request for consultation on this matter. In his letter, he expressed joy "that full communion has been established between our two churches with the result that many new opportunities for common mission in spreading and living the Gospel are now possible and actually beginning." He also wrote: "While recognizing the pastoral concern which prompts this proposed bylaw, I am concerned that it seems to compromise the ELCA's...voted 'provision that a bishop shall regularly preside and participate in the laying-on-of-hands at the ordination of all clergy' (CCM, paragraph 20)."

Bishop Griswold also wrote: "It was my understanding that the rationale of the ELCA for adding the word 'regularly' to paragraph 20 of the original CCM text was that this word 'does not imply the possibility of planned exceptions but allows for pastoral discretion in emergencies' (page 356 of the minutes of the 1999 ELCA Churchwide Assembly).... The proposed bylaw, even with its guidelines intended to insure that the granting of exceptions will be done only very occasionally, nonetheless seems to imply the certainty of planned exceptions. This has caused serious concern in many quarters of The Episcopal Church and many find it hard to see that any proposal to expand the term 'emergency

situations' to mean 'unusual circumstances' can be other than a unilateral alteration of the mutual commitment that both our churches have solemnly made.... Our church voted for CCM as it stands, we want CCM to work, and we believe that it can...."

The Church Council reviewed the observations received in the consultation that took place between the November 2000 and April 2001 meetings. The council, then, discussed the text of the proposed bylaw, revised the language slightly to be consistent

To amend the Constitution, Bylaws, and Continuing Resolution of the Evangelical Lutheran Church in America by adding churchwide bylaw 7.31.17. to permit a synodical bishop to authorize an ordination in unusual circumstances by a pastor other than a pastor holding the office of synodical bishop:

7.31.17. Ordination in Unusual Circumstances. For pastoral reasons in unusual circumstances, a synodical bishop may provide for the ordination by another pastor of the

with the pattern of other bylaws on ministry standards, specifically that implementation is to be "in accordance with policy developed by the Division for Ministry, reviewed by the Conference of Bishops, and adopted by the Church Council."

RECOMMENDATION FOR ASSEMBLY ACTION:

Evangelical Lutheran Church in America of an approved candidate who has received and accepted a properly issued, duly attested letter of call for the office of ordained ministry. Prior to authorization of such an ordination, the bishop of the synod of the candidate's first call shall consult with the presiding bishop as this church's chief ecumenical officer and shall seek the advice of the Synod Council. The pastoral decision of the synodical bishop shall be in accordance with policy developed by the Division for Ministry, reviewed by the Conference of Bishops, and adopted by the Church Council.

ENDNOTES:

¹The Tucson Resolution, which is acknowledged in paragraph three of "Called to Common Mission" as having "correctly interpreted" the full-communion agreement, said:

RESOLVED, that the Conference of Bishops affirm the following understandings of "Called to Common Mission":

A. The Conference of Bishops understands that "Called to Common Mission" contains:

1. no requirement that the Evangelical Lutheran Church in America must eventually adopt the three-fold order of ministry. Rather, "Called to Common Mission" recognizes that the present understanding of one ordained ministry in the Evangelical Lutheran Church in America, including both pastors and bishops, may continue in effect;
2. no requirement that ELCA bishops be elected to serve as synodical bishops for life. Rather, they will continue to be elected and installed for six-year terms, with eligibility for re-election, subject to term limits, where applicable;
3. no defined role for the presiding bishop or synodical bishops after their tenure in office is completed;
4. no requirement that the Evangelical Lutheran Church in America establish the office of deacon, nor that they be ordained;
5. no requirement that priests of The Episcopal Church will serve congregations of the Evangelical Lutheran Church in America without the congregation's consent;
6. no requirement that the Ordinal (rules) of The Episcopal Church will apply to the Evangelical Lutheran Church in America;
7. no commitment to additional constitutional amendments or liturgical revisions other than those presented to the 1999 ELCA Churchwide Assembly (ELCA constitutional provisions 8.72.10-16.; 9.21.02.; 9.90.-9.91.02.; 10.31.a.9.; 10.81.01., and

parallel provisions in synodical and congregational constitutions); and further

B. The Conference of Bishops has the expectation that:

1. ordinations of pastors will continue to be held at synodical worship services and in congregations, as is the present pattern;
2. the Evangelical Lutheran Church in America will continue to receive onto the roster of ordained ministers, without re-ordination, pastors from other traditions, some of whom will not have been ordained by a bishop in the historic episcopate;
3. following the adoption of "Called to Common Mission," if someone who has been received onto the roster of ordained ministers of the Evangelical Lutheran Church in America who was not ordained into the pastoral office in the historic episcopate is elected bishop and installed, he or she will be understood to be a bishop in the historic episcopate;
4. lay persons may continue to be licensed by the synodical bishop in unusual circumstances to administer the Sacraments of Baptism and Holy Communion as is the present practice of the Evangelical Lutheran Church in America;
5. "Definitions and Guidelines for Discipline of Ordained Ministers" will apply to priests of The Episcopal Church and ordained ministers of the Reformed churches serving ELCA congregations [under ELCA bylaw 8.71.15.b., "...to live in a manner consistent with the ministerial policy of this church."]; the Evangelical Lutheran Church in America is not in any way changing its confessional stance that, "For the true unity of the Church it is enough to agree concerning the teaching of the Gospel and the administration of the sacraments" (Augsburg Confession, Article VII);
7. The Episcopal Church accepts fully, and without reservation, present ELCA pastors and bishops who are not in the historic episcopal succession;
8. priests of The Episcopal Church and ordained ministers of the Reformed churches will not be asked to subscribe personally to the Confession of Faith of the Lutheran Church as their

personal faith. They will be expected to recognize the agreement in faith of the churches and to preach and teach in a manner consistent with the Lutheran Confessions;

9. the Evangelical Lutheran Church in America receives the historic episcopal succession as a sign of and service to the continuity and unity of the Church and in no way as a guarantee of the faithful transmission of the faith;
10. future decisions of the Evangelical Lutheran Church in America on matters of common concern will be made in consultation with churches with whom a relationship of full communion has been declared, but these decisions will not require their concurrence or approval;
11. future Churchwide Assemblies of the Evangelical Lutheran Church in America will be free to make whatever decisions they

Resolved that the House of Bishops of The Episcopal Church specifically acknowledges and declares that the following understandings shall govern our interpretation and acceptance of the document "Called to Common Mission: A Lutheran Proposal for a Revision of the Concordat of Agreement" within The Episcopal Church:

1. The Episcopal Church agrees that each of the two churches has the right to interpret the same document according to its own standards, as the Evangelical Lutheran Church in America has already done for itself and referenced in CCM para. 3, so long as neither church contradicts the text or spirit of the document. In full communion, "churches become interdependent while remaining autonomous" (para. 2).
2. In common with all churches of the Anglican Communion, The Episcopal Church continues to maintain, as the Preface to the Ordination Rites makes clear (Book of Common Prayer, 510), that "three distinct orders of ordained ministers," namely, bishops, priests, and deacons, are "characteristic of Christ's holy catholic church," and that "it has been, and is, the intention and purpose of this Church to maintain and continue these three orders."
3. The Episcopal Church's recognition of the full authenticity of the ministers ordained in the ELCA or its predecessor bodies (CCM para. 15) is made in view of the voted intention of that church to enter the ministry of the historic episcopate (para. 18). According to catholic tradition of which The Episcopal Church is a part, the order of the historic episcopate properly includes within itself all three of these orders.
4. In view of the firmly voted intention of the Evangelical Lutheran Church in America that "a bishop shall regularly preside and participate in the laying-on-of-hands at the ordination of all clergy" (para. 20), it is necessary to state that according to the standard of The Episcopal Church and of the Anglican Communion and of catholic Christianity it is the

deem necessary after mutual consultation on matters related to full communion;

12. the joint commission [to which reference is made in "Called to Common Mission"] will have no authority over the appropriate decision-making bodies of the Evangelical Lutheran Church in America or The Episcopal Church; and
13. pastors of the Evangelical Lutheran Church in America will continue to preside at confirmations.

² The Mind of the House Resolution of the House of Bishops of the The Episcopal Church, which was adopted in April 2000, reads:

rule (regula) that no exception to Episcopal ordination can be allowed. Therefore if any ordination within the ELCA were to be carried out after full communion begins without an ELCA bishop presiding and participating in the laying-on-of-hands, it would not be acceptable for interchangeability and reciprocity in The Episcopal Church under para. 16 of CCM. In this regard The Episcopal Church welcomes the ELCA's explanation of para. 20 recorded in the minutes of its 1999 Denver Churchwide Assembly that "The use of 'regularly' establishes the ELCA's intent to adhere to the same standard of ordination by a bishop as practiced by The Episcopal Church" in the USA and the word "'regularly' does not imply the possibility of planned exceptions."

5. Although the ELCA may continue to receive onto its roster of ordained ministers, without reordination, pastors from other traditions, some of whom will not have been ordained by a bishop in the historic episcopate, only pastors ordained in the ELCA or its predecessor bodies will be considered for interchangeability with The Episcopal Church (para. 16, 22). Pastors not ordained by a bishop in historic succession who transfer into the ELCA from other traditions after passage of CCM will not be regarded as interchangeable. Rostered ELCA pastors who were not ordained in the ELCA or its predecessor bodies will not be interchangeable under the provisions of CCM.
6. Although lay persons in the ELCA may continue to be licensed by its synodical bishops in unusual circumstances on rare occasions to preside at celebrations of the sacrament of Holy Communion for specified periods of time and only in a given location, it is well known that The Episcopal Church follows the consensus of catholic Christianity in not allowing or recognizing this practice, nor is it accepted or even mentioned in the text of the CCM (cf. para. 16).

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