

Memorandum

To: Congregations of the Indiana District, LCMS
From: Rev. Douglas D. Punke, Secretary, IN District
Date: June 1, 2020
Re: Recommendation from the Indiana District Committee on Constitutional Matters regarding the Constitution and Bylaws of Indiana District Congregations

Several Indiana District congregations of late have submitted for review revised constitution and bylaws containing statements of faith/belief, statements on marriage and sexuality, statements on the sanctity of human life, facility use policies, and/or marriage policies. The Indiana District Committee on Constitutional Matters (CCM) gives thanks to God that congregations are mindful of these issues and are taking proactive measures to confess the Gospel while protecting their ministries.

The Lutheran Church—Missouri Synod (LCMS) and Alliance Defending Freedom have collaborated on a legal guide entitled “Protecting Your Ministry from Sexual Orientation Gender Identity Lawsuits: A Legal Guide for LCMS Congregations, Schools, and Ministries,” which can help congregations protect against and prepare for religious liberty intrusions. It is available as a free download at www.lcms.org/social-issues/free-to-be-faithful, and it includes sample statements of belief, sample statements on marriage, sexuality, and the sanctity of human life, and sample marriage and facility use policies. We encourage pastors and lay leaders to avail themselves of this valuable resource.

Alliance Defending Freedom has also published a similarly titled resource, “Protecting Your Ministry: A Legal Guide to Protecting Churches, Christian Schools, and Christian Ministries from Religious Freedom Threats,” which is broader in scope and audience. In this more general guide, the following recommendation is given: “Because of its importance, the statement of faith should appear in the organization’s bylaws or other policy documents. ... *If circumstances make it difficult to include the statement of faith in the bylaws*, it should be adopted as a governing document for the church or organization. The key is not necessarily where the statement of faith resides, but that it serves as a binding document that reflects faith beliefs and governs all the actions of the church or ministry” (4—*my emphasis*). These statements are not included in the legal guide prepared specifically for LCMS congregations, schools, and ministries. Both resources note that “the statement of belief [faith] should cover a broad range of religious beliefs – and the more detailed, the better” (LCMS Guide, 8; General Guide, 4).

The Indiana District CCM certainly encourages congregations to discuss and adopt such statements and policies, noting that these statements and policies are different from and in addition to the required confessional standard of the Synod which should ordinarily be included in a congregation’s constitution.¹ Moreover, the CCM recognizes that attacks on religious liberty continue to come from many places and in various ways, many of which are impossible to foresee, and the landscape of laws and litigation is ever-changing. Because the process for amending a congregation’s constitution and bylaws can be cumbersome and lengthy, perhaps making “it difficult to include the statement of faith in the bylaws” (as quoted above), **the Indiana District CCM encourages congregations to adopt statements of faith/belief, statements on marriage and sexuality, statements on the sanctity of human life, facility use policies, and/or marriage policies as they respond to new challenges and threats that may arise, but it recommends that they not include them in their constitution and bylaws**, so that the statements and policies may be updated expeditiously by the congregation, without the need for CCM review and subsequent Board of Directors’ approval.

DDP

¹ A congregation’s confessional standard cannot go beyond that of the Synod. See “Guidelines for Constitutions and Bylaws of Lutheran Congregations,” page 4 – revised November, 2012. (can be downloaded at www.lcms.org/about/leadership/commission-on-constitutional-matters#documents)