

Resolution 2025-3 Regarding the Authorization of ELCA Participation in National Legal Actions

WHEREAS at its 2019 Churchwide Assembly, the ELCA declared itself to be a sanctuary church body, committed to serving and supporting migrant children and families in communities across the country, and

WHEREAS on January 20, 2025, the United States of America's Department of Homeland Security (DHS) issued a directive allowing immigration enforcement and police to conduct detainment and arrest actions in "sensitive areas" such as churches, schools, and healthcare facilities, and

WHEREAS twenty-seven Christian and Jewish denominations and national religious organizations (including four of the ELCA's six 'Full Communion' partners) became plaintiffs in a legal action which asserts that DHS's directive constitutes a violation of First Amendment rights as it prevents the free expression and gathering of religious assembly by instigating fear among congregants and especially immigrant populations; and

WHEREAS on February 14th, 2025, Presiding Bishop Elizabeth Eaton announced that the ELCA would not join this legal effort because "given the ELCA's denominational structure and polity, the Churchwide Organization would not be an appropriate plaintiff in these actions," and "congregations can demonstrate that they can be harmed by this decision, and they would have standing in this lawsuit;" and

WHEREAS the Constitution, Bylaws, and Continuing Resolutions of the ELCA calls for the three expressions of this Church to function as people of God through congregations, synods, and the Churchwide Organization, all of which shall be interdependent, and does not explicitly forbid the Churchwide Organization from entering into legal action on behalf of the denomination; and

WHEREAS ELCA congregations and synodically-authorized ministries who are most at risk by the DHS directive are most likely to be mission developments and ethnic-specific ministries who may lack the resources to bring suit against the federal government on their own or are not willing to compromise their own safety risk with the exposure a federal lawsuit might bring, and would greatly benefit from care and solidarity from the interdependent relationship of the Church as specified throughout the Constitutions, Bylaws, and Continuing Resolutions of the ELCA, be it

RESOLVED that the Sierra Pacific Synod requests that the Churchwide Organization, with immediacy and haste and if possible within 30 days of passage of this resolution, develop educational and legal materials to help synods and congregations participate in national legal matters when needed; and be it further

RESOLVED that the Sierra Pacific Synod requests that leadership of the Churchwide Organization, with prayerful discernment and urgency, evaluate the constitutions of the three expressions of the ELCA, for the purpose of empowering faithful engagement in legal advocacy as a sign of solidarity with our most vulnerable congregations and ministries and as a concrete expression of our shared commitment to becoming a sanctuary church body; and be it further

RESOLVED, that the leadership of the churchwide organization, which may comprise the Presiding Bishop, Vice President, Secretary, the Church Council, the Conference of Bishops, and legal staff, be fully authorized to represent the ELCA in national legal matters when needed; and be it further

RESOLVED, that said leadership of the Churchwide Organization, with prayerful discernment, may choose to engage the ELCA Churchwide Organization in national legal matters in the future, especially in partnership with ecumenical and interfaith religious organizations, as a sign of solidarity with our most vulnerable individuals, congregations and ministries.