

ELCA DEIA Overview

- Background:
 - The Chicago law firm Fox Swibel Levin & Carroll LLP was retained by the ELCA to perform a diversity, equity, inclusion, and accessibility audit of the Constitution, Bylaws, Continuing Resolutions, Roster Manual, etc...
 - The results of that audit were published November 2023 in two documents: a summary of the findings and recommendations; and draft constitutional, continuing resolution changes, etc...
- Key Findings/Recommendations:
 - ELCA leadership seems more committed to DEIA than do congregations. (Audit, page 3, sec.3)
 - **Congregational autonomy makes it nearly impossible to enforce DEIA policies at the congregational level unless changes are made to encourage compliance and discourage noncompliance.** (Audit, p. 3, sec. 4)
 - Audit recommendation is to have a **“serious discussion of whether ELCA institutional culture should be adjusted to accommodate mandates** that make DEIA more of a visible reality throughout the ELCA institutions.” (Audit, page 7)
 - **Possible incentives for congregational compliance:** greater voting power, or conditioning grants and other financial assistance to congregations on compliance with Recommended Minimum DEIA standards. (Audit, page 8)
 - Recommended Minimum DEIA standards:
 - **Required annual DEIA training** using only an “Approved Provider” **for all pastors, church staff and lay leaders** (Proposed Continuing Resolution, sec. 3b)
 - Required relationship with a church with opposite demographics as your church, by race, gender, youth, politics, LGBTQIA+ individuals, etc... (Proposed Continuing Resolution sec. 3c)
 - **The definition of DEIA must change over time**, but the current definition includes persons historically marginalized or not fully embraced by churches or excluded from the power structure of churches, specifically including persons of color, persons whose primary language is not English, gender fluid, and LGBTQIA+ persons.
 - See draft constitutional language section 5.01.C21xx for the complete definitions (pp 5-6)
 - ELCA Legal strategy: **All proposed DEIA constitutional changes will be grounded on a “Biblical” basis in an attempt to guard against potential legal claims already occurring in various business, political and legal arenas in the U.S.** This is an intentional attempt to protect the ELCA DEIA policies and constitutional changes behind the **First Amendment**, as a religious policy. (Audit page 7)
 - Proposed constitutional changes are grounded in “Jesus’ character and values” which are named in section 4.01A of draft constitutional changes (p. 1-2)
 - **At least 10% of goods/services purchased by the congregation are from businesses owned by persons of color, and an additional 10% shall be purchased from Historically Underrepresented Groups such as LGBTQIA+** (proposed constitutional change sec. C12.05 page 36)