

# **THE CONSTITUTION OF EMMAUS EVANGELICAL LUTHERAN CONGREGATION U.A.C. OF SOUTH BEND, INDIANA, INC.**

## **PREAMBLE**

In the Name of the Father and of the Son and of the Holy Spirit. Amen.

The Holy Triune God requires that a Christian congregation shall conform to His divine Word in doctrine and practice (Ps. 119:105; Matt. 28:18–20; Gal. 1:6-8; 2 Tim. 4:1-5), and that all things be done decently and in order (1 Cor. 14:40). Therefore we, the members of Emmaus Evangelical Lutheran Congregation U.A.C. of South Bend, Indiana, Inc., located in South Bend, Indiana, accept and subscribe to the following Constitution and Bylaws, in accordance with which all spiritual and material affairs of our congregation shall be governed.

## **ARTICLE I**

### **NAME**

The name of this congregation, as named in the Articles of Incorporation filed with the Indiana Secretary of State in September 1936, shall be Emmaus Evangelical Lutheran Congregation U.A.C. of South Bend, Indiana, Inc., located in South Bend, Indiana, hereafter and commonly referred to as Emmaus Evangelical Lutheran Church.

## **ARTICLE II**

### **MISSION**

The mission of this congregation shall be to carry out the Will of God, to manifest the unity of our faith in Jesus Christ as God and Savior, to spread the Kingdom of God, and to foster Christian Fellowship and love, to the honor and Glory of God. This mission shall be accomplished by the preaching of God's Word, by the administration of His Sacraments, and by the religious instruction of all our members and all those who so desire, according to the doctrinal and confessional standard set forth in Article III of this constitution.

## **ARTICLE III**

### **DOCTRINAL AND CONFESSIONAL STANDARD**

- I. This congregation acknowledges and accepts all the canonical books of the Old Testament and the New Testament as the revealed and inerrant Word of God, verbally inspired, and submits to them as the only infallible authority in all matters of faith and life.
- II. This congregation acknowledges and accepts all the confessional writings of the Evangelical Lutheran Church, as contained in the Book of Concord of the year 1580, as true and genuine expositions of the doctrines of the Bible. These confessional writings are the three Ecumenical Creeds (Apostles', Nicene, and Athanasian), the Unaltered Augsburg Confession, the Apology of the Augsburg Confession, the Smalcald Articles, the Treatise on The Power and Primacy of the Pope, Luther's Large and Small Catechisms, and the Formula of Concord.

- 43        III.    Only such hymns, prayers, and liturgies which conform to this doctrinal and  
44                confessional standard shall be used in the public services of the congregation and in all  
45                official acts of its pastors and church workers.  
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47                                **ARTICLE IV**  
48                                **SYNODICAL MEMBERSHIP**

49                This congregation shall be a member congregation of The Lutheran Church—Missouri  
50        Synod (LCMS) so long as the confession of faith and constitution of the Synod remain in accord  
51        with the doctrinal and confessional standard set forth in Article III of this constitution.  
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53                                **ARTICLE V**  
54                                **MEMBERS OF THE CONGREGATION**

55                The members of the congregation are distinguished under four categories, as defined in the  
56        bylaws of this constitution: baptized, communicant, confirmed, and voting. The first three  
57        categories pertain to the fellowship of the Church as the Body of Christ, whereas voting  
58        membership pertains to the practical life and function of this congregation as a political body  
59        (Voters' Assembly).  
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61                                **ARTICLE VI**  
62                                **THE OFFICE OF THE PASTOR**

63                The Office of the Pastor of this congregation shall be conferred only on such ministers or  
64        candidates who adhere in teaching and practice to the doctrinal and confessional standard set forth  
65        in Article III of this constitution, and who are qualified and certified for this Office by the Synod  
66        or Church Fellowship of this congregation (Article IV).  
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68                A pastor shall be called to the Office of the Pastor of this congregation, through the Voters'  
69        Assembly (Article VIII), according to the procedure specified in the bylaws.  
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71                A pastor shall be removed from the Office of the Pastor of this congregation, in Christian  
72        and lawful order, by a two-thirds (2/3) majority ballot vote of the Voters' Assembly, only for the  
73        following reasons:

- 74                I.     persistent adherence to false doctrine,  
75                II.    a scandalous life, and/or  
76                III.   a willful neglect of duties.  
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78                In circumstances of prolonged incapacity or general incompetence on the part of a pastor,  
79        as agreed upon by a two-thirds (2/3) majority ballot vote of the Voters' Assembly, the congregation  
80        may, with charity and compassion, respectfully request his resignation from the Office of the  
81        Pastor.

## **ARTICLE VII**

### **CHURCH WORKERS**

The congregation, through its Voters' Assembly (Article VIII), may extend a "call" or offer a contract to "commissioned" church workers according to its needs or circumstances. Such workers shall adhere to the doctrinal and confessional standard set forth in this constitution (Article III), and shall either be members of the Synod or Church Fellowship of this congregation (Article IV) or candidates who have been trained and certified for service by that Synod or Church Fellowship.

A "called" or "commissioned" church worker shall be removed from office, in Christian and lawful order, by a two-thirds (2/3) majority ballot vote of the Voters' Assembly, only for the following reasons:

- I. persistent adherence to false doctrine,
- II. a scandalous life, and/or
- III. a willful neglect of duties.

In circumstances of prolonged incapacity or general incompetence on the part of a "called" or "commissioned" church worker, as agreed upon by a two-thirds (2/3) majority ballot vote of the Voters' Assembly, the congregation may, with charity and compassion, respectfully request his or her resignation.

The congregation may also enlist or hire other workers, typically through its Board of Trustees, as its needs or circumstances suggest or require, and as its resources permit. Such workers shall be compensated fairly for their work and dealt with equitably in Christian charity.

## **ARTICLE VIII**

### **AUTHORITY OF AND WITHIN THE CONGREGATION**

The Voters' Assembly, as defined in the bylaws of this constitution, shall be its governing body. It shall be empowered to administer and manage the congregation's affairs, and shall meet at least annually, as specified in the bylaws.

The establishment and conduct of all organizations and societies within this congregation shall be subject to the approval, overall authority, and general oversight of the Voters' Assembly.

The right of calling or removing pastors or other commissioned church workers shall be vested in the Voters' Assembly and shall never be delegated to a smaller group or to an individual.

Only the Voters' Assembly may encumber, purchase, or sell real property, including buildings; adopt the annual budget of the congregation, or amend the budget; dissolve the congregation, or terminate its membership in the Synod or Church Fellowship to which it belongs (Article IV).

All matters of doctrine and conscience shall be decided only on the basis of the Word of God (Article III). All other matters shall be decided by a majority vote of the Voters' Assembly, unless otherwise specified by this constitution or its bylaws.

The Board of Directors, as indicated in the Articles of Incorporation and defined in the bylaws, shall have legal and fiduciary responsibility to act on behalf of the congregation in civil matters.

## **ARTICLE IX OFFICERS, BOARDS, AND COMMITTEES**

This congregation shall have such officers, boards, and committees as may be prescribed in the bylaws, as well as others that the Voters' Assembly may establish from time to time.

All such officers, boards, or committees, whether elected or appointed, shall have no authority beyond that which is conferred upon them by the constitution, bylaws, and Voters' Assembly of this congregation. Whatever authority has thus been delegated to any officer, board, or committee of this congregation may at any time be altered or revoked by the Voters' Assembly.

## **ARTICLE X DIVISION OF THE CONGREGATION**

If at any time a division of the congregation should take place on account of doctrine, the property of the congregation and all rights and benefits connected therewith shall remain with those members of this congregation who continue to adhere in doctrine and practice to the doctrinal and confessional standard set forth in Article III of this constitution.

If a division of the congregation should take place for reasons other than doctrine and practice, the disagreeing parties shall, with the aid of those resources God provides, first seek to resolve their differences in a God-pleasing manner. If no agreement can be reached, then the property shall remain with the majority of the voting members of this congregation.

In the event that the congregation should totally disband, all property shall be disposed of by the final Voters' Assembly for the payment of debts and all just claims against the congregation. Any remaining property and all rights and benefits connected therewith shall be conveyed to and become the property of that Synod or Church Fellowship to which the congregation belongs at the time of disbanding (Article IV).

## **ARTICLE XI BYLAWS, STANDING RULES, AND POLICIES**

This congregation, through its Voters' Assembly, may adopt such bylaws, standing rules, and policies as may be required for the accomplishment of the congregation's mission (Article II).

## ARTICLE XII

### AMENDING THIS CONSTITUTION

Amendments to Articles II, III, IV, VI, VII, and VIII, shall not alter or destroy their essential meaning.

This constitution may be amended by the Voters' Assembly in the following manner:

- I. Amendments to the provisions of this constitution shall be submitted in writing for public posting and distributed to all confirmed members two weeks prior to each of the two consecutive meetings at which the proposed amendments will be discussed. A two-thirds (2/3) affirmative vote of those present shall be required, on both occasions, to adopt the proposed amendment.
- II. All proposed amendments shall be submitted to the Synod or Church Fellowship of this congregation for official approval prior to the final adoption by the congregation by majority vote of the Voters' Assembly.