

Good Morning,

I can't say that the law is now crystal clear, but we are receiving a few more pieces of the puzzle that have emerged in the rule making process that should be shared with you. Here's a quick reference to some of the questions that have emerged in this process.

Signs: There is no need to post a sign until November 1st. In the meantime, if a congregation wishes to post a sign specifying no weapons, the sign must be at least 5 inches by 7 inches.

Signs will need to be posted at all entrances and specify that weapons are not allowed. Specific language may be established in the rules released by the Department of Justice. For this reason, use this time to determine if you will post a sign instead of launch creative competitions only to have the language not allowed.

Tenants: Non-residential tenants who rent designated and dedicated space from the church will need to decide whether or not to post at the entrances of their space. If they operate in dedicated space as a tenant, they are not covered under the church's posting. Some congregations may have day care centers or preschools. If their space is not used by the congregation, they will have to decide whether or not to post.

Groups that rent space and have their gatherings take place within common areas of the church building will not post. For example, an AA group that rents a class room or fellowship hall for their meetings would not post a sign since that common space is covered under the congregation's posting. Same goes for weddings, funerals, fundraiser dinners, etc. A food pantry operated by an outside organization and leases dedicated space from the congregation would need to post a sign, even if the congregation supports the pantry.

Liability: The law is silent regarding the liability of congregations that decide to post a sign.

Presently, a congregation is liable in the event of a violent crime. A congregation's insurance policy is written to address that. However, the matter of liability may be clarified in the final rules by the Dept of Justice.

Liability does change for congregations that chose not to post. Churches that do not post a sign will be exempt of liability in the event of a violent situation. The liability matter may be a consideration for some congregations.

"Weapons": The new law addresses the concealed carry of weapons, not only guns. Weapons include guns, stun guns, clubs, and knives. When discussing this matter, it is important to say 'weapons' and not just 'guns'.

For additional info, I encourage you and your congregations to check out two websites. First, the Wisconsin Attorney General has a site dedicated to concealed carry. That site is:

<http://www.doj.state.wi.us/>

Second, the ELCA Office of the Secretary has a legal issues site that links to Church Mutual's suggestions for congregations in the event of violent situations. This is worth the read.

LOPPW and Liability: I can't repeat often enough that LOPPW is not a legal shop that can provide advice on liability matters. We do read and interpret legislation, but should a congregation take my advice and then run into trouble, I am a dead woman and this shop is closed. In using this information, please keep a distance between LOPPW and advising the congregations. Similarly, *please do not forward this email in its entirety to congregations and pastors.* The draft language below is appropriate (with any edits you may have) to pass on to congregations.

Draft language for inquiring congregations: If and when congregations ask your synod office for guidance on the concealed carry legislation, you may want to consider providing the following language developed by the South Central Synod of Wisconsin:

Thanks for contacting us with questions regarding the Concealed Carry law. If your congregation is in conversation over the bill, we have gathered a few points you may want to consider. Please note that Concealed Carry affects more than just a person's right to carry a gun, it relates to weapons: guns, electric guns, clubs, and knives (but not switchblade knives).

Although the legislation (SB 93) was signed into law, it will not take effect until November 1, 2011. Over the next several months, the Department of Justice will closely review the law and develop the emergency rules which will spell out the act in more detail. If your congregation intends on taking action by posting signs, it's best to wait until more information is available. The exact language restrictions for signs are still being developed, and there are outstanding questions regarding the placement of signs in a church building. We do not know if there will be mandatory language or complicated posting requirements for our congregations.

Until we know more, the Wisconsin Department of Justice has a website dedicated to Concealed Carry and provides a list of Frequently Asked Questions. This website will be updated as the process moves forward. Keep in mind the bill was written without consideration to the unique needs of places of worship, and therefore many of the questions and answers are directed toward businesses and government entities. The website is:
<http://www.doj.state.wi.us/dles/cib/ConcealedCarry/ConcealedCarry.asp>

The bill presents a host of questions for congregations. Our churches are places of worship and are places of witness, and each ministry within your building (and other organizations who use it) will be impacted by the congregation's decision to post a sign. Our churches are also employers, and we would encourage your leadership to review policy and procedure manuals, and how this legislation could affect employees and the congregation's liability. The ELCA Secretary's website contains information provided by Church Mutual on liability and security measures to consider. This is worth your time to review.

If you do intend to post a sign once the law takes effect in November, we encourage you to take the following steps before developing a congregation policy:

1. Be thoughtful: do not solely make a decision as the pastor or rush a decision by your church council, but take the time to think through your response as a community of faith. If your

building hosts other ministries, day care centers, or provides a meeting space for groups like AA, reach out to those partners and ask for their input on whether or not to post.

2. Be prayerful: use this time to discern a response and the message it communicates to visitors, your community and neighborhood.

3. Engage the congregation: As Lutherans we are called to address social issues and to create the space to have an honest dialogue with one another. Seek input from the congregation and work toward consensus in determining a response. If you have a social concerns committee/team, they might take the lead on this. You, as pastor, might do this with forums, newsletter articles, sermons, etc. Again, when guiding such a conversation, remember the bill is not just about guns, but concealed weapons.

4. This a spiritual matter: Where does Scripture help us to understand this current situation? Where is there confusion? The members of the congregation may have strong feelings about the legislation. If the congregation intends to post a sign or respond in anyway, please frame the discussion in a spiritual context to keep the conversation centered on our witness as Lutheran Christians, and not on partisan politics.

More detailed information will be available as we get closer to the date of enactment. In the meantime, we would encourage you and other congregations that are considering a response to first use this time until November for faith-filled conversations.