



Lutherans Restoring Creation

A Resource for the Evangelical Lutheran Church of America — *Cultivating Hope and Healing*

July 27, 2016

Dear 2016 Churchwide Assembly Voting Members,

We write you as part of a grassroots coalition to ask you to vote to request that the ELCA offer a fossil-fuel divestment option in the Portico Retirement funds and to divest from the 200 largest fossil fuel companies in “Investment Fund A” of the ELCA Endowment Pooled Trust.

We are compelled by the call of the Lutheran World Federation asking member churches to not invest in fossil fuels. Last summer, June 23, 2015 the LWF Council “called on its member churches” not to invest in fossil fuel and to support energy efficiency and renewable energy companies, and to encourage their institutions and individual members to do likewise”. (See release on opposite). The LWF position needs to be given serious weight in ELCA deliberations at the forthcoming Churchwide Assembly (CWA). Eight of our own ELCA synods have already approved memorials to CWA to request divestment options; Oregon, New England, St. Paul Area, New York Metro; Northeastern Pennsylvania, Northwestern Pennsylvania, Northwest Washington and the Upper Susquehanna Synods.

While we are grateful for the shareholder actions, selective screening and positive social investment in renewable energy companies Portico has taken, we urge divestment as the courageous and visionary next step – in the Reformation tradition of *semper reformanda*, “always reforming”. We believe our church will best lead the transition to clean energy by both offering a fossil-free option to the retirement funds, and also divesting Fund A Pooled Trust. Already tobacco, gambling and alcohol stocks are screened out of the retirement plans. Fossil fuels should be added to this list. Please see our attached position paper and FAQs. While our primary rationale is moral, we also underscore economic studies suggesting there would be little or no economic risk to a portfolio for taking such a step – and in fact that portfolio performance may be even better with a fossil-free portfolio.



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Our church has a strong creation-care tradition. The LWF and ELCA members lobbied governments to make bold commitments in December 2015 in Paris. These targets cannot be achieved unless we all take steps to transition to a clean energy economy, for the sake of future generations and our sisters and brothers in Christ, in response to the call from the LWF. We respectfully ask your thoughtful consideration before the Memorial resolutions are considered by the Churchwide Assembly. Blessings to you for a safe journey and fulfilling gathering.

Sincerely,

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Speaking up and acting for climate justice as people of faith.

GENEVA, 23 June 2015 (LWI) - The Lutheran World Federation (LWF) has announced that it shall be the policy of the LWF not to invest in fossil fuels. This action is taken as part of its long-standing commitment to climate justice.

The LWF Council also called on its member churches “not to invest in fossil fuels and to support energy efficiency and renewable energy companies, and to encourage their institutions and individual members to do likewise.”

“Through this decision, we seek coherence and wish to send a strong moral signal that the world needs to operate a transformational change towards a low-carbon economy, phasing out fossil fuels and phasing in renewable energies by the middle of this century,” the LWF Council added.

“We are encouraged that the Council has made the decision not to invest in fossil fuels and this puts action behind our commitment to becoming carbon neutral by 2050,” LWF General Secretary Rev. Martin Junge said. “It is an important milestone and we trust as a faith-based community we are making our own contribution within our one human family to address the challenge of climate change affecting our one common household.”

“We acknowledge that some of our member churches, as well as the World Council of Churches, have preceded us in the decision of not investing in fossil fuels companies, and that we are joining a broad global movement which is backed by the UNFCCC,” the LWF Council stated in Geneva. The UNFCCC is the United Nations Framework Convention on Climate Change.

“As a Lutheran Communion, we understand climate change as an issue of justice, peace, care for creation and protection for all peoples everywhere. We raise a special concern for the most vulnerable, in particular the poor, the indigenous people, and the voiceless.”

The LWF Council further emphasized that “we re-commit ourselves and encourage others to commit to a profound change in our lifestyles and in the broader system of production and consumption. We must live as responsible and accountable citizens of this planet.”

SOURCE: <https://www.lutheranworld.org/news/lwf-announces-decision-not-invest-fossil-fuels>

FOSSIL-FUEL DIVESTMENT AND THE ELCA

DIVESTMENT COALITION POSITION STATEMENT

Grace and peace to you from our Lord and Savior, Jesus Christ.

We write as an informal coalition of individual ELCA members and clergy, gathered together from nine different Synods, to urge the Church as a whole to more forcefully and clearly address climate change, which the Church itself has identified as “one of the most pressing issues facing all of God’s creation.”¹

Specifically, we ask that the Church revise its social criteria investment screen with the eventual goal of completely divesting “Investment Fund A” of the ELCA Endowment Pooled Trust from the 200 largest fossil fuel companies, as identified by Carbon Tracker,² and also that the Church provide a fossil-fuel free option in its retirement plans. We see this as the best way for the Church to enact its commitment to incorporate the principles of sufficiency and sustainability in its life, as expressed in *Caring for Creation*.

We gratefully acknowledge the good will *and* the important work of those who believe that shareholder advocacy is a more effective strategy to achieve our shared goal of mitigating and eventually reversing the damage done to God’s Creation by our use of fossil fuels – but we respectfully and strongly disagree, for the reasons set out below. The planet is burning, and we must take bold steps to save it.

Background

The ELCA has a strong tradition of activism on behalf of Creation, from at least the early 1990’s (with *Caring for Creation*) through the present day, as exemplified by our strong presence at The People’s Climate March in 2014,³ and more recently by the Church’s vocal support for the Environmental Protection Agency’s proposed rules to reduce carbon emissions.⁴ It is estimated that the number of Lutherans active in the Church’s environmental network doubled in 2014.⁵ It should be noted in this regard that Lutherans Restoring Creation, a national grassroots movement promoting care of creation for the ELCA is broadly responsible, at least in part, for the Church’s positive response on this issue. Finally, a very powerful message was sent when the Lutheran World Foundation announced in June of 2015 that it will exclude fossil fuel companies from its investments and that it is calling on its member churches (with 72 million congregants) to do likewise.⁶

There is now a growing movement within the ELCA to divest from fossil fuels. During the 2013 church-wide assembly three memorialized resolutions were presented to the Memorials Committee.⁷ The resolutions presented by the Oregon and New England synods requested that the ELCA make no new investments in companies whose primary business is the exploration, extraction, production, or refining of coal, oil, or natural gas, and that the Church fully divest itself of all such holdings within five years. The Resolution brought by the Northwest Washington Synod requested that existing ELCA environmental investment screens be modified to specifically name fossil fuel extraction and production companies as industries which damage the environment.

¹ 2013 Pre-Assembly Report, Section VII, Report of the Memorials Committee, page 54 (“Background”), available at http://download.elca.org/ELCA%20Resource%20Repository/07Reportof_the_Memorials_Committee_20130807e.pdf.

² See divestinvest.org/wp-content/uploads/2014/03/Carbon-Tracker-Top-200.pdf.

³ With over three hundred and fifty members from many parts of the country, the ELCA was one of the largest faith groups present at the March.

⁴ Leaders of our Church testified at public hearings and at least 1,182 paper and electronic comments were collected and sent to the EPA.

⁵ See discussion of voted issue CC14.11.34d of Church Council Minutes of November 7-10, 2014.

⁶ <http://gofossilfree.org/lutheran-world-federation-divests/>.

⁷ 2013 Pre-Assembly Report, pages 53-58.

Had these resolutions been adopted, the ELCA would have joined the growing list of churches and religious institutions worldwide that have divested from fossil fuels. The World Council of Churches, Lutheran World Federation (as noted above), the Uniting Church in Australia and in Western Australia, and the Church of Sweden are among the larger bodies that have voted to divest. In the US, the national body of the UCC; Union Theological Seminary; the University of Dayton (RC); the Maine Council of Churches; many meetings of the Society of Friends; Pacific School of Theology; and the Unitarian Universalist General Assembly and many individual UU congregations have all voted to divest.⁸

Disappointingly, at its 2014 meeting the ELCA Church Council took almost no action on the resolutions of the Oregon, New England, and Northwest Washington Synods; instead, it ultimately voted to make minor changes to the “Environment Social Criteria Investment Screen.” That screen, as it presently exists, recommends; “...*limiting investments in corporations which are the most egregious in terms of damage to human health or the natural environment...*”⁹ A review of the Portico Benefits website confirms that it avoids investing in companies that may cause environmental harm; however, the only fossil fuel investments specifically mentioned are those companies dealing in “thermal coal reserves.”¹⁰ Portico is instead committed to what it describes as a three-pronged strategy of focused investment screening, including ramping up positive social investments, and shareholder advocacy, arguing that “shareholder advocacy takes advantage of company ownership to help bring about positive change.”¹¹

Despite the 2014 setback, the church-wide divestment movement continues to grow rather than recede. Since the last church-wide assembly, *five* more synods have taken action: The NY Metro Synod memorialized resolution requests that the ELCA (a) “cease any new investments in companies whose primary business is the exploration, extraction, production, or refining of coal, oil, or natural gas, and to (b) shed, within five years, any such investments that the Synod currently holds. The St. Paul MN Area Synod, the Upper Susquehanna PA and the Northeast Pennsylvania synods have passed very similar resolutions. These request complete divestment of the ELCA’s “Fund A” investments and ask the ELCA to consider and recommend that Portico add a fossil-free investment fund that excludes the 200 largest fossil fuel companies as an option for the ELCA retirement plan. Most recently, the Northwest Pennsylvania Synod passed a resolution to develop a social criteria investment screen designed to result in divestment of all fossil fuels investments held in the ELCA Endowment Fund Pooled Trust. We believe that even more synods will initiate similar actions in the future. Our coalition has united behind a resolution modeled after that of the St. Paul Synod, calling for phased but eventually complete divestment of “Fund A” from the 200 largest fossil fuel companies, and also for the aforementioned fossil-fuel free option in the Church’s retirement plans.

Why should we do this?

There is a compelling case, based on Christian and ethical principles and on Lutheran teaching, for fossil-fuel divestment. Divestment would also be consistent with previous actions and statements of the ELCA.

⁸ For a more complete list of church bodies that have taken some action on divestment, visit <http://www.greenfaith.org/programs/divest-and-reinvest/listing-of-known-religious-divestment-efforts>.

⁹ Church Council Minutes, November 7-10, 2014, page 57. Voted item CC14.11.34d.

¹⁰ See <https://www.porticobenefits.org/Overview/ReponsibleInvesting/InvestingForSocialImpact>.

¹¹ See; “Recommendation for Assembly Action”: 2016 Churchwide Assembly Guidebook, Pre-Assembly Report, Section VII Memorials Committee Report, Category B2 – page 37 (43).

There is also a strong case for divestment based on financial (fiduciary) considerations. Both of these cases are explored below.

What do Lutheran principles teach? In the first chapter of Genesis, God commands human beings to have dominion over the earth. Some have understood this to mean that we human beings can do whatever we want. This misses the mark, because when God told human beings to have dominion, God meant for us to have dominion as God does—the dominion of love, tender care, and the dominion that brings flourishing. God placed human beings in the garden “to till and keep it.” (Gen. 2:15)

The command of God is enough for us. But Lutheran theology also impels us to care for creation. Luther wrote in an essay on the Eucharist, “God is essentially present in all places, even the tiniest tree leaf. The reason is this: It is God who creates, effects, and preserves all things through his almighty power and right hand as our Creed confesses.” Luther goes on to say,

If he is to create and preserve (creation) ... he must be present and preserve his creation in its innermost and outermost aspects. Therefore, indeed, he must be present in every single creature in its innermost and outermost being, on all sides, through and through, above and below, before and behind, so that nothing can be more truly present and within all creatures than God himself with his power.

Thus, to care for creation is to join in God’s redeeming and sanctifying work. It is the work of our baptisms. We are bound to God in the Eucharist, which is made from the fruits of the Earth, where God is present. To do harm to Creation is also to assault God. When humans assault God, there is only one outcome, and it is not a good one for humans. Indeed, the Revelation to John makes clear that God’s judgment falls upon those who destroy the earth (11:18).

Care for creation is also care for our neighbors. As the ELCA report *Poverty and Hunger in a Changing Climate*¹² articulates, the destruction of the earth through fossil fuel extraction and combustion has disproportionate affects upon the poor. Throughout the Bible, God condemns those who profit from the exploitation of poor people, and who enrich themselves “in days of slaughter.” (James 5:5); instead, the will of God is a heavenly reign in which the cry of the poor is heard, remembered, and answered with a just peace. As Christians, Luther writes, we belong to the Kingdom of God — set apart from the rest of humanity’s belonging to this temporal world. That belongingness has immediate consequences for how we live. To quote *Poverty and Hunger in a Changing Climate*:

Christ taught us to seek justice, to care for our neighbor and to provide special care and consideration for “the least of these”—those living in poverty. Our response to climate change must heed this call to justice, particularly for those living in poverty around the world, who are least responsible for climate change and most likely to suffer greatly from its impacts if we do not act now. As Christians, we are called to protect what God has created, and we are obligated to speak and to act in response to this growing crisis. As Lutherans, we are freed by the cross and resurrection of Jesus Christ to serve our neighbor and all of creation; and we are people of hope, who see the crisis facing our planet and are taking action.

The freedom we have in Christ is a *freedom from* sin and death, and a *freedom to* perform good works — this freedom allows us to take concrete actions to serve our neighbor, regardless of worldly concerns for self-preservation, reputation, and consequence.

¹² http://download.elca.org/ELCA%20Resource%20Repository/Poverty_And_Hunger_In_A_Changing_Climate.pdf?_ga=1.126150473.514764487.1463107100

Finally, as an American denomination, our members and leaders bear a particular responsibility for the historical development of the climate crisis. Not only do we emit more carbon dioxide per person than any other nation, but our government has supported fossil fuel extraction (and a high-consumption, carbon-intensive economic model) around the world. Our faith in Christ calls us to recognize that Jesus's death on the cross and subsequent resurrection has freed us from bondage to this structural sin and evil, and to repent of it — to, with God's grace, go a different way.

It is our belief that divestment from fossil fuels — a refusal to profit from an industry that inherently and inextricably harms God's creation and God's favored poor — is a significant act of repentance, done in the light of God's redeeming mercy. This Lutheran position is nothing more than following the implications of Colossians 1:15-20, in which the eternal Christ, raised from death, reconciles all things to God. We are reconciled to God through Jesus Christ, together with all things, and through Christ we become reconciled to one another and to all creation. And, if these things are true, we have no choice but to divest from corporations that profit from the unsustainable exploitation of the earth.

What's the financial case for divestment? The ELCA has historically divested during periods of great social need, including the movement to end apartheid in South Africa. Given the profound risks to our environment from climate change, the fossil fuel sector may no longer be the blue-chip investment it once was. Recent performance data suggest that the volatility of this group is on the rise. Many managers, investors, and analysts believe that fossil fuel investments are becoming too risky. This is because the profitability of these companies is based largely on their ability to dig up and bring to market their fossil fuel reserves. But it's now widely accepted by a broad consensus of scientists that, to have any hope of preserving a livable planet, we can dig up and burn only about 20% of known fossil fuel reserves. In other words, we have to **leave 80% of known fossil fuel reserves in the ground**. And once governments wake up to this fact, these reserves — the chief assets of fossil fuel companies — become “stranded” and valueless.

Not everyone subscribes to this argument. However, the Intergovernmental Panel on Climate Change (the foremost global authority on climate science), NASA climate scientist James Hansen, and many other prominent members of the scientific community agree that these reserves cannot be burned. And no less an institution than the Bank of England decided in 2014 to “deepen and widen its inquiry” into “the vulnerability that fossil fuel assets could pose to the stability of the financial system in a carbon constrained world.”¹³ This was “the first major acknowledgement from a financial regulator that most of the world's listed coal, oil and gas reserves could become ‘stranded assets’ and have significant financial consequences.”¹⁴

For these reasons, leaders including former Archbishop Desmond Tutu, UN Secretary Ban Ki-moon, Al Gore, Mary Robinson (the former President of Ireland) and many others have publicly endorsed divestment. Finally, a growing number of prestigious institutions (in addition to the religious bodies listed above) have committed to some form of divestment, such as Stanford University, the Rockefeller Brothers Fund, and cities including Seattle, WA, Portland, OR, and San Francisco, CA.

¹³ <http://www.carbontracker.org/in-the-media/bank-of-englands-momentous-move-on-climate-change/>.

¹⁴ *Id.*

Won't divestment hurt our portfolios? Several studies have shown that fossil fuel free portfolios would have performed about the same as, or even slightly better than, carbon-invested portfolios over different timeframes. In fact, the Fossil Free Indexes outperformed the S&P 500 by 1.5% in 2014.¹⁵ In addition, a UC Berkeley professor recently presented data showing that from 1988 to 2013, there was no significant difference in performance in the broad market Russell 3000 Index whether or not the index contained fossil fuel companies.¹⁶ And a February 2015 article in *Forbes* magazine noted that “A variety of recent analyses have suggested that a fossil-free portfolio would have actually proved advantageous over the last decade or so,”¹⁷ citing in particular a 2013 report by the research firm S&P Capital IQ which found that a hypothetical endowment that divested from the top 200 fossil fuel companies “would have avoided substantial losses.”¹⁸

Of course, no one can predict the future with certainty. But many managers, investors, and analysts do subscribe to the “stranded asset” theory described above.¹⁹ According to that theory, over time it could actually hurt our portfolios to remain invested in fossil fuel companies (and indeed, the Church overall would have better weathered the recent crash of petroleum prices if it had been divested). The various investment vehicles held within “Fund A” are not heavily invested in fossil fuel companies; thus, the portion of the ELCA’S current investments that would be affected by divestment is similarly small. The reallocation of such relatively small parts of the portfolios would not greatly increase risk, even in the worst-case scenario.

What effect would our divestment have on the fossil fuel companies? Wouldn't shareholder activism be more effective? Despite decades of shareholder engagement with fossil fuel companies, the industry continues to spend nearly \$2 billion dollars a day searching for additional fossil fuel reserves and over a half a million dollars a day lobbying governments for subsidies and support for further extraction.²⁰ The fundamental truth is that the business model of the fossil fuel companies – which depends on the development, refining, and burning of carbon-based energy resources – is simply incompatible with the careful stewardship our planet requires to avert major catastrophic climate change.

No amount of shareholder activism will make these companies change that business model – at least, not in a timeframe that will make a difference. For example, between 1990 and 2014 some 113 shareholder resolutions regarding climate change were brought before Exxon Mobil, Chevron and Conoco-Phillips. Predictably, all such resolutions either failed or were withdrawn.²¹ Although Portico has admirably submitted at least 20 such resolutions in the last ten or more years,²² the unfortunate fact is that the limited investments and resources for shareholder activism within the ELCA/Portico make this a poor strategy compared to divestment. Perhaps worse, by continuing to urge shareholder advocacy

¹⁵ <http://fossilfreeindexes.com/2015/01/20/thoughts-2014-performance-ffius>. The fossil fuel sector currently comprises about 8.0% of the S&P 500 Index.

¹⁶ <https://www.greendecade.org/forum-supports-divestment-from-fossil-fuel-companies/>. The fossil fuel sector currently comprises 7.5% of the Russell 3000 Index.

¹⁷ <http://www.forbes.com/sites/tomzeller/2015/02/10/fossil-fuel-divestment-smart-bet-or-losing-strategy/>.

¹⁸ *Id.*

¹⁹ For instance, in 2014, Norway’s sovereign wealth fund — an \$850 billion pension reserve built on that nation’s oil and gas resources — divested from more than 49 companies, many involved in coal and unconventional oil extraction, over “[u]ncertainty about the sustainability of their business model.” *Id.*

²⁰ https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp191-fossil-fuels-finance-climate-change-171014-en.pdf.

²¹ See <http://books.insideclimatenews.org/exxonsclimategamble>.

²² See 2013 Memorials Committee Report, page 57.

beyond the point past where any reasonable person can see it's a failure, we may be actually enabling an offending company's poor behavior. Why then would we want to commit any resources to a strategy that is bound to fail?

Since the ultimate goal is to change the business model of fossil-fuel companies – in effect, to **force them to stop being fossil-fuel companies** – bold action that engages the public at large is required. Activist-shareholder resolutions – requiring, for instance, that companies be more transparent about their exposure to stranded-asset risk, or that they do more to report their emissions – have never had, and will never have, the kind of impact that is required, even when they do pass. These resolutions are “inside baseball” that the public rarely hears much about, and understands less. In contrast, actual divestment is easily understood by a broad audience, and when a large institution takes that step it generates significant positive publicity for that institution, adds energy to the movement, and educates the public. It also contributes to the social opprobrium faced by the fossil-fuel industry, which is crucial to building support for the legislative and regulatory actions (by our government and others) that are so desperately needed.

As Shelley Alpern, director of social research and shareholder advocacy with the investment advising firm Clean Yield Asset Management, has said:

*Engagement succeeds when we can make a persuasive case that change will enhance shareholder value [or] reduce business or reputation risk. [But] as engagement with tobacco companies demonstrated, it ... will not work when the goal is to change the core business model of a company. ... I rarely advocate for divestment, because it's often possible to succeed in encouraging incremental but meaningful improvements. **But incremental change on this issue is no longer good enough.***²³

It is worth pointing out that the ELCA already has strict investment screens for alcohol, tobacco, pornography, gambling, military weapons and private prisons. Why is it that we see these as scourges in which we should not invest, but we decline to give the same treatment to an industry whose fundamental business model has led to and will continue to lead to immeasurable harm to God's earth?

Now, to be sure, divestment won't immediately make fossil-fuel companies change their business model, either. But divestment would allow us to put our funds to more beneficial use; it would protect us from the “stranded asset” risk described above; it would send a strong signal in the investment community, the faith community, and in the world at large; and it's simply the right thing to do. After all, if it's wrong to damage God's Creation, as these companies are doing, it's wrong for us to profit from investing in that damage.

We believe, with many others, that the urgency of addressing climate change means that the time for polite conversation with the fossil-fuel companies is over. It is time for bold, decisive, public action, on behalf of Creation – God's gift to us, of which we are only stewards.

We thank you for your attention.

Respectfully submitted by over fifty fellow ELCA leaders and lay people:

²³ As quoted in “Storming the Corporate Castle: Does Shareholder Activism Work?,” *In These Times*, March 23, 2015, available at <http://inthesetimes.com/article/17755/shareholders-storming-the-corporate-castle>.tp://inthesetimes.com/article/17755/shareholdersstorming_the_corporate_castle.

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