

# THE EPISCOPAL CHURCH: OVERBEARING AND UNJUST EPISCOPAL ACTS

## EXECUTIVE SUMMARY

*“When the foundations are being destroyed, what can the righteous do?” Psalm 11:3*

In the following sections we describe how the leadership of The Episcopal Church (TEC) has systematically violated its own discipline, order, fundamental due process and fair play by misinterpreting its own constitution and canons, ignoring procedural safeguards provided by those canons, and thereby accelerating the inhibition, deposition and removal of clergy from Anglican Holy Orders for transferring to other provinces of the Anglican Communion. In so doing, the leadership of TEC has destroyed the rule of law and good order within its own polity, setting unjust precedents for all clergy.

### **Canonical Abuses**

How the leadership of The Episcopal Church has violated its own canons in furtherance of its agenda: including the abuse of abandonment and renunciation canons in order to inhibit and depose 12 bishops and 404 priests and deacons, and the unconstitutional assumption of power by the Presiding Bishop in dissolving a lawfully constituted Standing Committee and substituting another without warrant.

### **Litigation: a history of lawsuits initiated by the leadership of TEC**

Documenting how TEC and its Dioceses have accelerated litigation in defiant rejection of the Primates’ call for a moratorium on the same at the Dar es Salaam meeting. The 56 instances of complaints filed by TEC and its Dioceses against individual churches, clergy and volunteer vestry members demonstrate the reckless indifference to the truth of TEC bishops who, at Lambeth 2008, declared that TEC was being sued by local churches. The Episcopal Church has refused to provide an accounting of the funds it has expended on such litigation, and conservative estimates based on public records indicate that the cost is already in the millions. In a year when TEC cut staff and program by 30%, it *increased* its budget for litigation.

Equally, if not more disturbing, is the abuse of power by TEC leaders and bishops in authorizing litigation *against volunteer vestry (parish council) members* and other volunteer leaders in church property cases. Although volunteers do not hold title to the property of the departing congregations, there are at least 48 instances where such volunteer vestry members have been sued by TEC or the diocese—in some cases, seeking the personal assets of these volunteers for monetary *punitive damages* in excess of the value of the property at issue. Such claims represent a position by Episcopal bishops and attorneys that a volunteer vestry member's vote to leave TEC is "oppressive and malicious illegal behavior" that justifies the forfeiture of a volunteer's personal assets. In addition to suffering the intentional infliction of emotional distress at the possibility of losing their personal assets, volunteer vestry members and other leaders have suffered damages by the mere filing of such claims including difficulty in refinancing their homes, difficulty in obtaining security clearances for new jobs, and prejudice to their credit reports.

# CANONICAL ABUSES

## HOW TEC LEADERSHIP HAS VIOLATED ITS OWN CANONS, DUE PROCESS AND NATURAL JUSTICE IN DEPOSING AND REMOVING 12 BISHOPS AND 404 PRIESTS AND DEACONS

### **Summary on abuse of Title IV Abandonment of Communion canons**

The charge of “abandonment of communion” in Canon IV.9 was never intended to apply to a bishop transferring to another church within the Anglican Communion. Even if it were, the five procedural requirements in Canon IV.9 were repeatedly violated in the deposition of Bishops Cox, Schofield and Duncan, and most especially by the failure to obtain the consent by “the majority of the whole number of bishops entitled to vote,” pursuant to Canon IV.9.2 rather than by a simple majority of those bishops present at a meeting.

Similarly, the charge of “abandonment of communion” in Canon IV.10 was never intended to apply to priests and deacons transferring to another church within the Anglican Communion. Imposition of sentence under Canon IV.10.2 extinguishes the right to exercise the gifts and spiritual authority conferred in Ordination, whether by deposition or as otherwise provided under section 2. From July 2004 to the present, at least 237 priests and deacons have been deposed or “released” under Canon IV.10 for transferring from TEC to another church in the Anglican Communion.

The original act which brought the abandonment canons into being—the departure of a bishop to join the Roman Catholic Church—dealt with completed actions that resulted in a full departure of the person in question from The Episcopal Church *and* from the Anglican Communion of which it is a constituent member. Canons IV.9 and IV.10 were never intended to be applied to ongoing actions within the body of the Anglican Communion as a whole resulting from actions taken in General Convention, or to actions which can be dealt with in a presentment, or by other disciplinary means. In fact, the appropriate canon to deal with alleged violations of the Constitution and Canons of General Convention and Dioceses regarding transfers to another church within the Anglican Communion would be Canons IV.1 and IV.5. These canons call for a trial or other hearing, with confrontation of witnesses and the presentation of both sides of a case. Those procedural steps are unnecessary in cases of true abandonment, and so Canons IV.9 and IV.10 do not use them. But it is just that feature of the abandonment canons—as well as the renunciation canons III.12.7 and II.9—that has made their abuse so tempting: the authority bringing the charges does not have to prove anything at trial.

### **Summary of abuse of Title III Renunciation canons**

From January 2008 to the present, the Presiding Bishop has “implied renunciation” in the absence of a specific written declaration of renunciation required by Canon III.12.7 for nine (9) bishops who have resigned and transferred to another church in the Anglican Communion. The most egregious example of overbearing Episcopal behavior is The Presiding Bishop’s misuse of Canon III.12.7 to “impliedly renounce” the Holy Orders of Bishop Henry Scriven, ordained and consecrated in the Church of England, after serving in the Diocese of Pittsburgh as an Assistant Bishop and notifying the Presiding Bishop of his resignation and transfer back to the Church of England.

From December 2005 until present, bishops having jurisdiction have “implied renunciation” in the absence of a specific written declaration of renunciation as required by Canons III.9.8 and III.7.8 for 152 priests and deacons who have resigned and transferred to another church in the Anglican Communion. The use of the renunciations canons against bishops, priests and deacons resigning and transferring from TEC to another

church in the Anglican Communion is creating a functional/local definition of Holy Orders that is neither catholic nor recognized anywhere else in the Anglican Communion.

### **Summary of the Presiding Bishops misuse of Canon I.17.8**

Canon I.17.8 states that “any person accepting any office in this Church shall well and faithfully perform the duties of that office in accordance with the Constitution and Canons of this Church and the Diocese in which the office is being exercised.” Even if one assumes that the Diocese of San Joaquin did not have the right to amend its Constitution, withdraw from The Episcopal Church and join the Province of the Southern Cone, the Presiding Bishop was not authorized by the plain terms of Canon I.17.8 to dissolve a lawfully constituted Standing Committee, appoint another, call a Special Convention or bypass a Standing Committee in the appointment of an Interim Bishop. Her actions are best interpreted as aggressive attempts to assume powers not accorded her office either by TEC’s foundational document or by its Canon Law.

---

### **ABUSE OF ABANDONMENT CANON FOR BISHOP: CANON IV.9**

---

A bishop may be inhibited and deposed for abandonment of the communion of this Church “(i) by an open renunciation of the Doctrine, Discipline or Worship of this Church, or (ii) by formal admission into any religious body not in communion with the same, or (iii) by exercising episcopal acts in and for a religious body other than this Church or another Church in communion with this Church...” (Canon IV.9.1)

#### **a. The charge of “abandonment of communion” in Canon IV.9 was never intended to apply to a bishop transferring to another church within the Anglican Communion**

The Abandonment Canons (Canon IV.9 for bishops, and Canon IV.10 for priests and deacons (see below) evolved out of, and were used to deal with, situations where a bishop, priest or deacon had left his position in The Episcopal Church to join (or in some cases, to organize) another denomination that was not part of the Anglican Communion, and hence was not in communion with The Episcopal Church. The first case involving a bishop was that of the Rt. Rev. Levi S. Ives, who left his post in 1852 as the second Bishop of North Carolina to join the Roman Catholic Church; other cases involved the Rt. Rev. George D. Cummins, who left in 1873 to organize the Reformed Episcopal Church, and the Rt. Rev. Samuel A. McCoskry, who simply left his diocese indefinitely in 1878 for Europe in order to avoid facing charges about his moral character.

In contrast to this kind of situation is the case where the ordained member clearly states that he or she is transferring to another church within the Anglican Communion. In the 237 cases cited herein of clergy deposed and/or removed under Canons IV.9 and IV.10, every one was a transfer to another church within the Anglican Communion. Not one can be said to have "abandoned the communion of this Church" unless (a) The Episcopal Church *has declared itself* not to be in communion with the other churches in the Anglican Communion, or (b) the leadership of The Episcopal Church—specifically the Presiding Bishop, the House of Bishops and the Chancellor—are choosing to define “communion of this Church” in Canon IV.9.1 as The Episcopal Church *alone and without regard to the rest of the Anglican Communion*.

With regard to exception (a) The Episcopal Church has not declared itself not in communion with the other churches in the Anglican Communion. Although many Anglican provinces have declared themselves "out of communion", or "in broken communion", or "in impaired communion", with The Episcopal Church as a result of the actions taken at General Convention 2003, only the declarations of The Episcopal Church can be given force and effect within The Episcopal Church itself. Not one bishop or diocese in The Episcopal Church has declared itself “not in communion with” any of the specific churches of the Anglican Communion to which the deposed clergy have transferred.

In the case of exception (b), nothing in the history of the Canon IV.9's interpretation and application supports the notion that the "communion of this church" can rightly be understood as referring only to the internal relations of its various dioceses. Further, to interpret "the communion of this church" in such a narrow way runs against the very definition of TEC given in the Preface to its own Constitution. There TEC is defined as "a constituent member of the Anglican Communion" that in turn is defined as "a Fellowship within the One, Holy Catholic, and Apostolic Church, of those duly constituted Dioceses, Provinces, and regional Churches in communion with the See of Canterbury..." If The Episcopal Church is defining "the communion of this Church" as The Episcopal Church *alone and without regard to the rest of the Anglican Communion* this interpretation of "communion" is novel and without counterpart anywhere else in the Anglican Communion. Such a narrow interpretation of "communion" also precludes the interchangeability of Anglican Holy Orders—a novelty which likewise has no counterpart elsewhere in the Anglican Communion.

#### **b. Five Procedural Requirements in Canon IV.9**

This canon specifies at least five procedural requirements for inhibition and deposition:

- (1) Certification of the facts by a majority vote of all the members of the Review Committee to the Presiding Bishop (Canon IV.9.1)
- (2) The Presiding Bishop must obtain the consent of the three senior bishops having jurisdiction in this church to inhibition of the bishop so charged (Canon IV.9.1);
- (3) Notice of certification and inhibition *forthwith* and *prior* to deposition (Canon IV.9.2);
- (4) 60 days for the bishop so charged and inhibited to declare by a verified written statement to the Presiding Bishop that the facts in the alleged statement are false or to utilize the provisions of Canon IV.8 or Canon III.12.7 (Canon IV.9.2)and
- (5) Deposition only by "***a majority of the whole number of Bishops entitled to vote***" (Canon IV.9.2)—and not by a simple majority of those present (emphasis added).

#### **c. Abuse of Canon IV.9: Deposition of Bishop William Cox March 12, 2008**

Bishop Cox ordained three candidates to Holy Orders in June 2005 at Christ Church (Overland Park, Kansas) who had earlier left The Episcopal Diocese of Kansas and affiliated with the Church of Uganda after purchasing its assets from the Diocese of Kansas for \$1 million. Bishop Cox performed episcopal acts at the express request of Archbishop Henry Luke Orombi of the Church of Uganda, a constituent member of the Anglican Communion. Apart from the misuse of Canon IV.9 on substantive grounds, the following five procedural violations occurred in his deposition under Canon IV.9:

**First**, Canon IV.9 provides that when charges of abandonment have been certified by the Title IV Review Committee, notice of the charges shall be given "forthwith" to the bishop so charged. The charges against Bishop Cox were certified to Presiding Bishop Jefferts Schori on May 29, 2007. She did not notify Bishop Cox of them until January 9, 2008--more than *seven months* later.

**Second**, before giving notice of the charges, the Presiding Bishop was required to seek the consent of the three most senior active bishops in the House to inhibit Bishop Cox from performing any episcopal functions pending the vote on his deposition. She did not do so; in fact, one of the three senior bishops admitted to the Rev. George Conger of the Church Times that "he had never been asked" to consent to Bishop Cox's inhibition. The Presiding Bishop failed to obtain the required consent to his inhibition.

**Third**, the Canon provides the "inhibited bishop" with 60 days to respond to the charges, and says nothing about any further proceedings against a bishop who was not inhibited. Without the prior consent to his inhibition, and without such inhibition at all, she had no authority under Canon IV.9.2 to require Bishop Cox to make a verified declaration refuting the allegations within 60 days, or else to face a vote of deposition in the House of Bishops. In fact, she had no canonical authority to write the letter at all. Notwithstanding that

language, when Presiding Bishop Jefferts Schori notified Bishop Cox of the charges, she told him he had 60 days to respond before he would be deposed.

**Fourth**, when the 60 days had run, the Presiding Bishop brought a resolution to consent to Bishop Cox's deposition before the House of Bishops at its meeting in Camp Allen on March 12, 2008. Again, the language of the Canon provides that only a bishop who has been *inhibited* shall be "liable to deposition," but in clear violation of those words, she took up the resolution with the House anyway.

**Fifth**, the Canon requires that the House of Bishops give its consent to deposition "by a majority of the whole number of Bishops entitled to vote." Article I, Section 2 of the Constitution spells out which bishops are "entitled to vote" in the House---counting those both active and retired ("resigned" is the technical term), there were 294 such bishops entitled to vote as of March 12. Thus a majority of that number would be 148. But only 131 bishops registered at the meeting when it began on March 9, and that number was down to 116 as of the last day, the morning of March 12. By the time the resolutions to depose came up for discussion, the roll call registered just the bare minimum of active bishops needed for a quorum: 68 (Article I, Sec. 2). The vote on the resolution was by voice only; no record of the actual votes exists. But it is obvious that the requirement for a minimum of 148 votes to approve the deposition could not possibly have been satisfied.

**d. Abuse of Canon IV.9: Deposition of Bishop John-David Schofield, March 12, 2008 without “a majority of the whole number of Bishops entitled to vote”**

Bishop Schofield and the Diocese of San Joaquin voted to leave TEC and join the Anglican Province of the Southern Cone on December 8, 2007. Bishop Schofield resigned his seat in the House of Bishops, but not his see as the Bishop of San Joaquin. This meant that a new bishop could not be chosen to lead the Episcopalians in the diocese who wanted to remain with The Episcopal Church (TEC) until that see was vacant. Rather than negotiate with Bishop Schofield for a resignation that would have accomplished this, Presiding Bishop Schori chose the deposition route under Canon IV.9

In the case of Bishop Schofield, the Presiding Bishop did obtain the consent of the three senior bishops having jurisdiction to the inhibition of Bishop Schofield. The Presiding Bishop also brought a resolution to consent to Bishop Schofield's deposition before the House of Bishops at its meeting in Camp Allen on March 12, 2008. Along with the motion to depose Bishop Cox, the deposition of Bishop Schofield failed to obtain “*a majority of the whole number of Bishops entitled to vote*,” pursuant to Canon IV.9.2. Apart from the substantive misuse of Canon IV.9 in deposing Bishop Schofield for “abandoning the communion of this Church” for the Province of the Southern Cone—another Church in the Anglican Communion with which The Episcopal Church considers itself to be “in communion”—the motion to depose *failed to carry* according to the requirements for a majority per Canon IV.9.2.

Notwithstanding all these defects in the procedure, Presiding Bishop Jefferts Schori signed certificates of deposition with respect to both bishops shortly thereafter. When she was challenged on the procedures that had been violated, she defended her actions by saying that she had been advised throughout by her Chancellor, David Booth Beers, and he himself issued a statement that the depositions had been conducted properly. By claiming that these depositions had been conducted properly, the Presiding Bishop, those bishops voting to depose, and the Chancellor violated Canon IV.9 yet again.

**e. Abuse of Canon IV.9: Deposition of Bishop Robert Duncan, September 22, 2008**

Shortly after she began the proceedings against Bishops Cox and Schofield, the Presiding Bishop also notified Bishop Duncan that charges of "abandonment" had been certified against him by the Review Committee. As in the case of Bishop Cox, she was not able to get the consent of the three senior active bishops to his inhibition. Nevertheless, she gave him 60 days in which to respond to the charges. This 60-day period expired after the meeting of the House of Bishops ended on March 12, so she could not bring a resolution to depose

him at the meeting. At its conclusion, she announced she would poll the members of the House about holding a special meeting in May to consider his deposition. When the results of that poll were apparently negative, she announced that she would bring a resolution to depose Bishop Duncan before the House at its next regular meeting in September.

As in the cases of Bishops Cox and Schofield, there were multiple violations of the procedural requirements:

**First** a vote was taken to depose Bishop Duncan for “abandonment” prior to the time he actually had done so. At the time he was deposed, the Diocese of Pittsburgh had not taken the final vote to amend its constitution and transfer to the Province of the Southern Cone. A number of the bishops who voted against the motion to depose stated this fact as *a* or *the* major reason for their opposition. Canon IV.9 has never been used to depose a bishop for what he might do rather than for what he had in fact done. To judge a person on good evidence that he *plans* to do something is to make a judgment about “planning” or “conspiring” to carry out an illegal act, not committing one. However, in contrast to the criminal law of the land, Canon IV.9 make no provision for trying a person for *planning* or even *conspiring* to abandon the communion of this Church. There is in fact no provision in Canon IV.9 for judging a person to have broken a law because they are considering or planning to do so.

**Secondly**, the necessary consents were not obtained from the three senior bishops having jurisdiction and he was not inhibited as required *prior* to deposition.

**Thirdly**, the motion to depose Bishop Duncan under Canon IV.9 was not placed on the agenda for the meeting of the House of Bishops in the required time prior to the meeting in question.

**Fourthly**, the judgment to depose Bishop Duncan was *not* given by “a majority of the whole number of Bishops entitled to vote” as required by Canon IV.9.2. Nevertheless, the Presiding Bishop, her Chancellor, and her Parliamentarian, as in the previous cases of Bishops Cox and Schofield, interpreted the Canon to mean all the bishops entitled to vote *at the meeting in question* rather than the more inclusive phrase *a majority of the whole number of bishops entitled to vote*. A vote to depose was taken on the basis of this interpretation.

**f. The requirement under Canon IV.9.2 for consent by “a majority of the whole number of Bishops entitled to vote” cannot be interpreted to mean a simple majority of those present at any meeting of the House of Bishops.**

Section 2, with its requirement that deposition occur only with the consent “of a majority of the whole number of bishops entitled to vote,” has remained unchanged since its amendment in 1904. Elementary principles of statutory interpretation require a statute or other law conform to the highest governing law of the jurisdiction—such as a constitution. The phrase “the majority of the whole number of bishops entitled to vote” in the canon must conform to the language in the constitution. Article 1, Section 2 of the Constitution specifies that the phrase “all entitled to vote” includes *all* bishops, active and retired, in its number.

Moreover Article 1, section 2 the Constitution makes a very clear distinction between “all entitled to vote” and a “quorum” for the transaction of business. Article 1, section 2 of the Constitution defines a quorum for the transaction of business in a far less inclusive way. It says “a majority of all Bishops entitled to vote, exclusive of Bishops who have resigned their jurisdiction or positions, shall be necessary to constitute a quorum for the transaction of business.”

If the authors of Canon IV.9.2 had intended to narrow the required consent for deposition, they could have added the phrase “in the House of Bishops” or “at a meeting of the House of Bishops” to the section 2 requirement of “a majority of the whole number of Bishops entitled to vote.” Or, they could have qualified the “majority of the whole number of Bishops” to *exclude* those who have resigned their jurisdiction or position. But they did not do so. The requirement that a full majority of all the bishops entitled to vote in

the House of Bishops—both active and resigned—has remained unchanged since the very first abandonment canon was adopted in 1853.

Moreover, the interpretation of section 2 as requiring merely a simple majority of those present at any meeting of the House of Bishops would lead to both manifest absurdity and a miscarriage of justice. Under Rule V of the Rules of Order for the House of Bishops, a proposal for a recess to define and clarify the issues of a debate and the way in which the House is working must be supported by at least four other bishops and a 2/3 vote of those present and voting. The current interpretation of section 2 by the Presiding Bishop, the House of Bishops, her Chancellor and Parliamentarian now make it easier to depose a sitting bishop than for bishops to recess for ten minutes in small groups.

---

#### ABUSE OF ABANDONMENT CANON FOR PRIESTS AND DEACONS: CANON IV.10

---

A priest or deacon may be inhibited and deposed when  $\frac{3}{4}$  of the members of the Standing Committee of the diocese in which they are canonically resident shall ascertain facts that demonstrate the priest or deacon in question “has abandoned the Communion of this Church by an open renunciation of the Doctrine, Discipline or Worship of this Church, or by formal admission any religious body not in communion with this Church, or in any other way...” (Canon IV.10.1)

**a. The charge of “abandonment of communion” in Canon IV.10 was never intended to apply to priests and deacons transferring to another church within the Anglican Communion**

The abandonment canon for priests and deacons evolved out of the same concerns that gave rise to the abandonment canon for bishops. A parallel canon (Canon 6 of 1859) was enacted to cover priests and deacons, with identical provisions for a six-month period to recant or disprove, and for the deposition to be pronounced by the diocesan bishop in the presence of two or more priests. In these revisions we see the introduction of elements that are in Canon IV.10 today: a certification of abandonment by a committee of clergy and laity; notice to the priest or deacon before he or she is deposed and a time period within which to contest the charges; and certification of the deposition by the bishop having jurisdiction in the presence of two other priests. (Canon IV.10.1 and IV.10.2)

Like Canon IV.9, Canon IV.10 and its precursors were used to deal with situations where a priest or deacon had left his position in The Episcopal Church to join (or in some cases, to organize) another denomination that was not part of the Anglican Communion, and hence was not in communion with The Episcopal Church. Like Canon IV.9, Canon IV.10 was *never* intended to be used against those who transferred to another church within the Anglican Communion. It was intended for those who leave TEC for another, non-Anglican religious body.

In the 237 cases cited herein of clergy deposed and/or removed under Canons IV.9 and IV.10, every one was a transfer to another church within the Anglican Communion. Not one can be said to have “abandoned the communion of this Church.” By applying Canon IV.10 to these transferred clergy, the bishops having jurisdiction have declared themselves and their dioceses *either* no longer in communion with other churches in the Anglican Communion *or* a communion unto themselves and apart from the rest of the Anglican Communion—an ecclesiology which is novel, has no counterpart elsewhere in the Anglican Communion, and which precludes the interchangeability of Anglican Holy Orders.

**b. Imposition of sentence under Canon IV.10.2 extinguishes the right to exercise the gifts and spiritual authority conferred in ordination, whether by deposition or as otherwise provided under section 2.**



If within the six month period of inhibition a priest or deacon fails to make a satisfactory retraction or denial of the facts alleged in determining abandonment, or fails to renounce his or her Holy Orders pursuant to Canon IV.8 or Canons III.7 or III.9 (as applicable), the bishop having jurisdiction shall either: (i) depose the priest or deacon as provided in Canon IV.12 or (ii) with the advice and consent of the Standing Committee pronounce and record in the presence of two or more priests that the priest or deacon is released from the obligations of priest or deacon and (for causes which do not affect the person's moral character) *"is deprived of the right to exercise the gifts and spiritual authority conferred in Ordination."* (italics added).

Under Canon IV.12.3, "A Member of the Clergy deposed from any order of ordained ministry *is deposed entirely from the ordained ministry.*" (italics added).

In other words the only difference between the sentences is that "release" is for "causes that do not affect the person's moral character." The result is exactly the same: the gifts and authority conferred in ordination are extinguished.

- c. From July 2004 to the present, at least 237 priests and deacons have been deposed or "released" under Canon IV.10 for transferring from TEC to another church in the Anglican Communion**

---

**ABUSE OF THE RENUNCIATION OF ORDAINED MINISTRY CANON FOR BISHOPS:  
CANON 111.12.7**

---

Provides that a bishop not otherwise subject to discipline under Title IV may renounce "the ordained Ministry of this Church, and a desire to be removed therefrom..." However, the canon requires that a bishop may do so *only* by a declaration in writing renunciation of the ordained ministry of this Church *and* a desire to be removed therefrom to the Presiding Bishop. With the advice and consent of the majority of the Advisory Council, the Presiding Bishop may accept the renunciation and the bishop "is released from the obligations of all Ministerial Offices, *and is deprived of the right to exercise the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordination.*" (italics added)

- a. From January 2008 to the present, the Presiding Bishop has "implied renunciation" in the absence of a specific written declaration of renunciation for nine (9) bishops who have resigned and transferred to another church in the Anglican Communion.**

**January 23, 2008 Bishop David Bena** (retired suffragan, Diocese of Albany) was transferred by letter by his diocesan bishop to the Church of Nigeria in February 2007. A month later, the Presiding Bishop wrote Bishop Bena and informed him that "by this action you are no longer a member of the House of Bishops" and that she had informed the Secretary of the House to remove him from the list of members. That was all that needed to be done. One year later, in January 2008 that she suddenly declared she had accepted Bishop Bena's renunciation of orders using Canon III.12.7. Bishop Bena responded to her Canon III.12.7 letter as follows: "Since I have now been transferred from one Province in Communion with the See of Canterbury to another Province in Communion with the See of Canterbury, I am neither renouncing my Orders as a Bishop, nor am I abandoning the Communion of the Church."

**January 23, 2008 Bishop Andrew Fairfield** (retired Diocese of North Dakota) transferred to the Anglican Province of Uganda in June 2007 and notified Presiding Bishop Schori but did not request approval from the House of Bishops. His notice of transfer did not contain a written declaration of renunciation of ordained ministry. Nevertheless, Presiding Bishop Schori announced by letter that she accepted his "renunciation of ministry."

**March 2008** **Bishop Terence Kelshaw**, (retired Diocese of Rio Grande) wrote the Presiding Bishop in February 2008 to inform her that he had been received into the Province of the Church of Uganda. Presiding Bishop Katharine Jefferts Schori informed Bishop Kelshaw by letter that she had accepted his renunciation of the ordained ministry and that he was "deprived of the right to exercise the gifts and spiritual authority as a minister of God's word and sacraments." Bishop Kelshaw replied publicly, "I did not renounce my orders. I wrote to her last February informing her that I felt called to request alternate primatial oversight and that my request had been granted by Uganda. I am still a bishop within the Anglican Communion."

**December 5, 2008** On November 24, 2008, and in the face of the Presiding Bishop's announcement of her intent to inhibit **Bishop Jack Iker** (Diocese of Fort Worth), he issued a public statement: "Since November 15, 2008, both the Episcopal Diocese of Fort Worth and I as the Diocesan Bishop have been members of the Anglican Province of the Southern Cone. As a result, canonical declarations of the Presiding Bishop of The Episcopal Church pertaining to us are irrelevant and of no consequence. On December 5, 2008 Presiding Bishop Schori published by letter to all Bishops and Ecclesiastical Authorities in The Episcopal Church a Canon III.12.7 letter receiving Bishop Iker's November 24 letter as a renunciation of ordained ministry and depriving him "of the right to exercise the gifts and spiritual authority as a minister of God's word and sacraments." The next day, December 6, 2008, Bishop Iker replied publicly and in writing: "The Presiding Bishop is misleading the Church and misrepresenting the facts in her recent allegation that I have renounced the ordained ministry of The Episcopal Church. According to Canon III.12.7, any Bishop desiring to renounce his orders "shall declare, in writing, to the Presiding Bishop a renunciation of the ordained Ministry of this Church, and a desire to be removed therefrom..." and that the PB shall then "record the declaration and request so made." I have not written to the Presiding Bishop making any such declaration or request. I hope the House of Bishops will hold her accountable for her continued abuse of the canons."

**May 22, 2009** On March 9, 2009, **Bishop David C. Bane** (resigned, Diocese of Southern Virginia) notified Presiding Bishop Schori that after failing to find any assignment within TEC, he had joined the Anglican Province of the Southern Cone and accepted an offer to serve as Assisting Bishop in the Diocese of Pittsburgh, replacing Bishop Henry Scriven (see above). Bishop Bane did not renounce his Holy Orders and expressed deep sadness that he had not been permitted to function after resignation within The Episcopal Church. On May 22, 2009 Presiding Bishop Schori published by letter to all Bishops and Ecclesiastical Authorities in The Episcopal Church a Canon III.12.7 letter receiving Bishop Bane's March 9 letter as a renunciation of ordained ministry and depriving him "of the right to exercise the gifts and spiritual authority as a minister of God's word and sacraments."

**May 22, 2009** **Bishop Edward MacBurney** (retired Diocese of Quincy) was inhibited by Presiding Bishop Schori on April 2, 2008 for conducting confirmations in June 2007 on behalf of Archbishop Venables at a former diocese of San Diego parish which had joined the Anglican Province of the Southern Cone. News of the inhibition reached him as he was mourning the death of his son who had been in hospice care. The inhibition was temporarily lifted so he could participate in the funeral. An ecclesiastical trial was scheduled for November 2008, and the inhibition received substantial negative public reaction. Bishop MacBurney apologized for his actions and the presiding bishop removed the inhibition on September 9, 2008.

After notifying the Presiding Bishop in March 2009 that he had accepted an offer to serve as Assisting Bishop in the Diocese of Quincy under the Anglican Province of the Southern Cone, Bishop MacBurney received official notification in June 2009 from the Presiding Bishop that she had accepted his letter as a voluntary renunciation of his ordained ministry pursuant to Canon III.12.7.

**January 15, 2009** In November 2008 **Bishop William Wantland** (retired, Diocese of Eau Claire) wrote the Presiding Bishop to notify her that he was serving as an Assisting Bishop in the Diocese of Fort Worth, Province of the Southern Cone, under Bishop Jack Iker. He stated that he was canonically affiliated with the Southern Cone and its Presiding Bishop Gregory Venables, and that he was no longer a member of The Episcopal Church. As a canon lawyer, Bishop Wantland also requesting that he be allowed to assume the

status of an honorary member of the House of Bishops in The Episcopal Church pursuant to Rule XXIV of the House of Bishops' Rules of Order.

On January 15, 2009 Bishop Wantland received a reply from Presiding Bishop Schori, not by e-mail or letter, but posted on the HOB Listserv purporting to "accept" his letter to her dated November 15, 2008 as a renunciation of his orders. Bishop Wantland immediately responded to the Presiding Bishop as follows: "As you must know, my letter specifically declared that "I am not resigning my Orders". Nowhere do I renounce or resign my Orders. My letter to you in no way comports with the provisions of Canon III. 12. 7. Further, I specifically requested status in the House of Bishops of The Episcopal Church in conformity with Rule XXIV of the House of Bishops. This request has been totally ignored by you.

"I can only conclude that either you (1) do not understand the plain and fairly simple language of either the Canons or my letter to you, or (2) have deliberately violated the Canons for your own purposes and contrary to your obligation as a Christian not to bear false witness."

**October 16, 2009** In July 2009 **Bishop Keith Ackerman** (retired, Diocese of Quincy) notified Presiding Bishop Schori in a handwritten letter of his ministry to the homeless in Dallas Texas, his service as a part time assisting bishop in the Episcopal Diocese of Springfield, and his desire to respond positively to the invitation of the Bishop of Bolivia, to minister part time there and to participate informally (seat but no voice and no vote) in the House of Bishops of the Southern Cone. On October 16, 2009, he received an e-mail from the Presiding Bishop, "indicating that there is no provision for transferring a bishop to another Province." At no time did he request transfer to the Southern Cone. Her letter concluded, "I am therefore releasing you from the obligations of ordained ministry in The Episcopal Church." In response to her e-mail, Bishop Ackerman wrote other bishops in The Episcopal Church: "I did not ask for release and have never considered ministry in this Church an obligation, since it has been the source of my greatest joy. I have not renounced, and in fact, in my first handwritten letter indicated that my intention was not to be seen as either "abandonment of the Communion" or "Renunciation." I have never received telephone calls from either the Presiding Bishop or any member of her staff asking for clarification. I can only conclude that assumptions were made in the press of events, which are incorrect. It is my prayer that the Presiding Bishop, will upon further consideration, withdraw her action."

In a subsequent communication to Episcopal Bishops clarifying her actions, Presiding Bishop Schori referred to Bishop Ackerman's two letters to her as a renunciation of his orders "based on his written submission to me describing his intention to function as a Bishop in the Diocese of Bolivia, in the Province of the Southern Cone and requesting that he be 'transferred' to that church and thus out of The Episcopal Church. It is also based on his public participation in and signature on a document affirming the election of Robert Duncan as 'archbishop of the Anglican Church in North America.' We have been and will be consistent regarding our canons, which clearly state that The Episcopal Church can accept the ministry of a Bishop of The Episcopal Church functioning temporarily in another province of the Anglican Communion, when it is clear that that province does not seek to undermine or replace the ministry of this church." The Presiding Bishop did not cite any specific canons that she applied to Bishop Ackerman's request.

- b. The Presiding Bishop's misuse of Canon III.12.7 to "impliedly renounce" the Holy Orders of Bishop Henry Scriven, ordained and consecrated in the Church of England, after serving in the Diocese of Pittsburgh as an Assistant Bishop and notifying the Presiding Bishop of his resignation and transfer back to the Church of England**

**Bishop Henry Scriven** served as an Assistant Bishop under Bishop Robert Duncan in the Diocese of Pittsburgh. He ceased to be an Assistant Bishop in TEC and thereby ceased to be a member of TEC's House of Bishops the moment Bishop Duncan was deposed on September 19, 2008. This was a constitutional disqualification imposed on Bishop Scriven by Article I.2 of TEC's constitution. Canonically speaking, he

ceased to be a bishop in TEC at that point. His original status as a bishop of the Church of England was not thereby affected, of course, and upon requesting and receiving an honorary role in the Diocese of Oxford that became his formal diocesan home.

On October 16, 2008, Bishop Scriven informed the Presiding Bishop, by letter copied to the Bishop of Oxford, that he was returning from the Episcopal Diocese of Pittsburgh to the Church of England where he would become an Honorary Assistant Bishop of the Diocese of Oxford and be subject to the jurisdiction of the Bishop of Oxford. The Presiding Bishop clearly acknowledged this fact in her letter of response, dated November 12, 2008: “I understand your request to resign as a member of the House of Bishops to mean that you will become a bishop of the Church of England, serving as assistant to the Bishop of Oxford.” Bishop Scriven has now resumed his residence in the Diocese of Oxford in the Church of England, where he is recognized as a bishop in good standing and has been asked to perform episcopal duties. All that was necessary in January 2009 was for TEC to conform its records to this fact.

Notwithstanding these facts, on January 15, 2009, the Presiding Bishop purported to accept Bishop Scriven’s renunciation of his ministry “of this Church” and claimed to remove him from all ministry conferred in his “Ordinations.” Canon III.12.7, the canon under which the Presiding Bishop claimed to be acting, plainly applies only to a “Bishop of this Church.” The only way Bishop Scriven could have been a bishop of TEC on January 15 is if the deposition of Bishop Duncan were invalid. In such a case, Bishop Duncan would have continued to serve uninterrupted as Bishop of Pittsburgh and Bishop Scriven’s tenure as Assistant Bishop would not have ended by operation of Canon III.12.5(e).

Moreover, the Declaration of Removal and Release states categorically that Bishop Scriven “is deprived of the right to exercise the gifts and spiritual authority as a Minister of God’s Word and Sacraments conferred on him in Ordinations.” Those ordinations occurred, of course, in the Church of England. On its face, this declaration appears to prohibit a bishop in good standing in the Church of England from acting sacramentally in The Episcopal Church. Thus, it appears that the Presiding Bishop has attempted to remove from the ministry—or at a minimum, bar from TEC— a bishop of the Church of England who is subject to the jurisdiction of the Bishop of Oxford and is working in England as director of a missionary society of the Church of England, the patron of which is the Archbishop of Canterbury. In declaring Bishop Scriven’s resignation by operation of Article I.2 of TEC’s Constitution, and his return to the Church of England a “renunciation of Ordained ministry” within the meaning of Canon III.12.7, she has now reached beyond TEC and into the Church of England itself. In addition, the Presiding Bishop is thereby creating a new functional/local definition of Holy Orders in The Episcopal Church, the net effect of which redefines American Anglicanism as an autonomous church with an autonomous understanding of Communion and Holy Orders both (see conclusion below).

---

**ABUSE OF THE RENUNCIATION OF ORDAINED MINISTRY CANONS FOR PRIESTS AND DEACONS: CANONS 111.9.8 AND III.7.8**

---

Provides that a priest or deacon not otherwise subject to discipline under Title IV may “renounce the ordained Ministry of this Church, and a desire to be removed therefrom...” However, the canon requires that a priest or deacon may do so *only* by a declaration in writing renunciation of the Ordained Ministry of this Church *and* a desire to be removed therefrom to the bishop having jurisdiction. Like Canon IV.10.2, the renunciation canons provide that with the advice and consent of the majority of the Standing Committee, the bishop having jurisdiction may accept the renunciation and that the priest or deacon “is released from the obligations of the Ministerial Office, *and is deprived of the right to exercise the gifts and spiritual authority as a Minister of God’s Word and Sacraments conferred in Ordination.*” (*italics added*)

In effect, removal by abandonment or renunciation is exactly the same: the right to exercise the gifts and spiritual authority conferred in ordination is extinguished.

- a. **From December 2005 until present, bishops having jurisdiction have “implied renunciation” in the absence of a specific written declaration of renunciation for 152 priests and deacons who have resigned and transferred to another church in the Anglican Communion.**

At least 152 priests and deacons resigned their ministry position within The Episcopal Church and transferred to another church within the Anglican Communion. Notwithstanding the difference between a resignation and a renunciation, the absence of the specific written declaration of renunciation of the ordained ministry of this church as required in Canons III.9.8 and III.7.8, and in many cases *despite* written declarations of the transferring clergy that they were *not* renouncing their Holy Orders, those 152 priests and deacons were deemed to have renounced ordained ministry and were released therefrom pursuant to Canons III.9.8 and III.7.8.

- b. **Conclusion: the use of the renunciations canons against bishops, priests and deacons resigning and transferring from TEC to another church in the Anglican Communion is creating a functional/local definition of Holy Orders that is neither catholic nor recognized anywhere else in the Anglican Communion**

The Renunciation Canons (III.12.7, III.9.8 and III.7.8) were written with a catholic understanding of both the Church and Holy Orders. Since December 2005, these canons have been used by diocesan bishops against priests and deacons, and then by the Presiding Bishop and her Council of Advice against bishops, to remove from Holy Orders any clergy who have resigned and transferred to another church in the Anglican Communion. In so doing, they are creating a new functional/local definition of Holy Orders. To call this a minor alteration and something we should all understand under the rubric of ‘good housekeeping’ threatens to create a novel functional/local definition of Holy Orders in The Episcopal Church, the net effect of which might well be to redefine American Anglicanism as an autonomous church with an autonomous understanding of Communion and Holy Orders both.

**The following is a list of 404 Priests and Deacons who have been uncanonically inhibited, deposed, and or released from the priesthood.**

The Rev. Robert L. DeMoss II	Released (Jan. 2006)	Alabama
The Rev. Foley T. Beach	Deposed (July 2004)	Atlanta
The Rev. Garland L. Watts, Jr.	Deposed (July 2004)	Atlanta
The Rev. Paul F. Gerlock	Inhibited (July 2006)	Atlanta
The Rev. M. Anthony Seel	Inhibited (July 2007)	Central New York
The Rev. Donald Helmandollar	Removed (June 2007)	Connecticut
The Rev. Mark Hansen	Deposed (Jan. 2006)	Connecticut
The Rev. Alfred Marie Moncla	Deposed (Jan. 2008)	East Carolina
The Rev. Fredericka A. Steenstra	Deposed (July 2007)	East Carolina
The Rev. Gene Geromel	Deposed (Aug. 2005)	Eastern Michigan
Deacon Aldo Erazo	Deposed (June 2006)	Europe Conv.
The Rev. Bradley T. Page	Deposed (June 2006)	Florida
The Rev. Charles Alexander Farmer	Deposed (Nov. 2006)	Florida
The Rev. Charles H. Coit	Deposed (March 2008)	Florida
The Rev. Charles S. Bailey (Deacon)	Deposed (March 2008)	Florida
The Rev. Claudia C. Kalis	Deposed (Sept. 2005)	Florida
The Rev. David C. Allert	Deposed (March 2008)	Florida
The Rev. David Sandifer	Deposed (Nov. 2006)	Florida
The Rev. Dennis Ackerson	Deposed (Sept. 2005)	Florida

The Rev. Dorothy Head	Deposed (March 2008)	Florida
The Rev. Edwin C. Griswold	Deposed (March 2008)	Florida
The Rev. Eric Dudley	Deposed (June 2006)	Florida
The Rev. Gary R. Blaylock	Deposed (March 2008)	Florida
The Rev. George W. Hall, Jr.	Deposed (March 2008)	Florida
The Rev. George W. Stockhowe, Jr.	Deposed (March 2008)	Florida
The Rev. Gilbert T. Crosby	Deposed (March 2008)	Florida
The Rev. Harald K. Haugan	Deposed (March 2008)	Florida
The Rev. James L. Hobby	Deposed (March 2008)	Florida
The Rev. James M. Parker	Deposed (March 2008)	Florida
The Rev. James McCaslin	Deposed (Nov. 2006)	Florida
The Rev. James Needham	Deposed (Nov. 2006)	Florida
The Rev. Jonathan P. Hartzler	Deposed (Nov. 2006)	Florida
The Rev. Lawrence E. O'Connell	Deposed (March 2008)	Florida
The Rev. Leonard Eugene Strickland	Deposed (March 2008)	Florida
The Rev. Mark R. Eldredge	Deposed (March 2008)	Florida
The Rev. Michael W. Petty	Deposed (June 2006)	Florida
The Rev. Neil Lebhar	Deposed (March 2008)	Florida
The Rev. Patrina A. McCarty	Deposed (March 2008)	Florida
The Rev. Robert Sanders	Deposed (Nov. 2006)	Florida
The Rev. Samuel Pascoe	Deposed (Nov. 2006)	Florida
The Rev. Sharon S. Hobby	Deposed (March 2008)	Florida
The Rev. Shawn E. Porter	Deposed (March 2008)	Florida
The Rev. Travis Greenman	Deposed (March 2008)	Florida
The Rev. W. Hall Hunt	Deposed (March 2008)	Florida
The Rev. William Earl Palmer	Deposed (March 2008)	Florida
The Rev. Bruce Flickinger	Released (March 2006)	Florida
The Rev. John Eason	Released (Aug. 2006)	Florida
The Rev. Lynne Ashmead	Released (Jan. 2006)	Florida
The Rev. Nicholas Marziani	Released (Feb. 2006)	Florida
The Rev. Patricia Smith	Released (Aug. 2006)	Florida
The Rev. Robert Coon	Released (Jan. 2006)	Florida
The Rev. Travis Boline	Released (Jan. 2006)	Florida
The Rev. Dewayne M. Adams	Inhibited (July 2009)	Fort Worth
The Rev. H. Jay Atwood	Inhibited (July 2009)	Fort Worth
The Rev. J. Ronald Baker	Inhibited (July 2009)	Fort Worth
The Rev. Patricia A. Banks	Inhibited (July 2009)	Fort Worth
The Rev. Can. William E. Blewett	Inhibited (July 2009)	Fort Worth
The Rev. Andrew F.L. Bradley	Inhibited (July 2009)	Fort Worth
The Very Rev. Christopher T. Cantrell	Inhibited (July 2009)	Fort Worth
The Rev. Richard A. Cantrell	Inhibited (July 2009)	Fort Worth
The Rev. Melody Crabb	Inhibited (July 2009)	Fort Worth
The Rev. William A. Crary	Inhibited (July 2009)	Fort Worth
The Rev. Christopher Culpepper	Inhibited (July 2009)	Fort Worth
The Rev. Sergio Diaz	Inhibited (July 2009)	Fort Worth
The Rev. William R. Dickson	Inhibited (July 2009)	Fort Worth
The Rev. Jonathan Duncan	Inhibited (July 2009)	Fort Worth
The Rev. James A. Eanes	Inhibited (July 2009)	Fort Worth
The Rev. Dr. Charles Eriandson	Inhibited (July 2009)	Fort Worth
The Rev. Lana K. Farley	Inhibited (July 2009)	Fort Worth
The Rev. Randall Foster	Inhibited (July 2009)	Fort Worth
The Rev. Roger Grist	Inhibited (July 2009)	Fort Worth

The Rev. Michael Heidt	Inhibited (July 2009)	Fort Worth
The Rev. Dennis W. Helbert	Inhibited (July 2009)	Fort Worth
The Rev. Thomas E. Hightower	Inhibited (July 2009)	Fort Worth
The Rev. Charles Hough IV	Inhibited (July 2009)	Fort Worth
The Rev. Cecil Dow James	Inhibited (July 2009)	Fort Worth
The Rev. Stephen W. Jones	Inhibited (July 2009)	Fort Worth
The Rev. Kingsley Obi Jon-Ubabuco	Inhibited (July 2009)	Fort Worth
The Rev. John W. Jordan	Inhibited (July 2009)	Fort Worth
The Rev. Terence N. Jordan	Inhibited (July 2009)	Fort Worth
The Rev. Thomas B. Kennedy	Inhibited (July 2009)	Fort Worth
The Rev. David F. Klein	Inhibited (July 2009)	Fort Worth
The Rev. Edward F. Kresowatty	Inhibited (July 2009)	Fort Worth
The Rev. I. Javier Loyo	Inhibited (July 2009)	Fort Worth
The Rev. Kenneth W. MacKenzie	Inhibited (July 2009)	Fort Worth
The Rev. Timothy M. Matkin	Inhibited (July 2009)	Fort Worth
The Rev. Sandra McCown	Inhibited (July 2009)	Fort Worth
The Rev. Alan E. McGlauchlin	Inhibited (July 2009)	Fort Worth
The Rev. George L. Milyiori	Inhibited (July 2009)	Fort Worth
The Rev. Robert O. Mitchell	Inhibited (July 2009)	Fort Worth
The Rev. Chad Nausbaum	Inhibited (July 2009)	Fort Worth
The Rev. Can. David E. Nyberg	Inhibited (July 2009)	Fort Worth
The Rev. William E. O'Connell	Inhibited (July 2009)	Fort Worth
The Rev. I. Jonathan Ogujiofor	Inhibited (July 2009)	Fort Worth
The Rev. Vance C. Page	Inhibited (July 2009)	Fort Worth
The Rev. Timothy P. Perkins	Inhibited (July 2009)	Fort Worth
The Rev. John M. Phelps	Inhibited (July 2009)	Fort Worth
The Rev. Darryl J. Pigeon	Inhibited (July 2009)	Fort Worth
The Very Rev. Ryan S. Reed	Inhibited (July 2009)	Fort Worth
The Rev. W. Ann Richards	Inhibited (July 2009)	Fort Worth
The Rev. Zeke L. Rogers	Inhibited (July 2009)	Fort Worth
The Rev. Stuart B. Smith	Inhibited (July 2009)	Fort Worth
The Rev. Micah Snell	Inhibited (July 2009)	Fort Worth
The Very Rev. Christopher C. Stainbrook	Inhibited (July 2009)	Fort Worth
The Rev. Mark Stockstill	Inhibited (July 2009)	Fort Worth
The Rev. S. Philip Swickard	Inhibited (July 2009)	Fort Worth
The Rev. Louis L. Tobola	Inhibited (July 2009)	Fort Worth
The Rev. Kerwin K. Wade	Inhibited (July 2009)	Fort Worth
The Rev. Nancy S. Weaver	Inhibited (July 2009)	Fort Worth
The Rev. Joshua Whitfield	Inhibited (July 2009)	Fort Worth
The Very Rev. J. Scott Wilson	Inhibited (July 2009)	Fort Worth
The Very Rev. Scott R. Wooten	Inhibited (July 2009)	Fort Worth
The Rev. Charles Conover (Deacon)	Deposed (Sept. 2007)	Indianapolis
The Rev. Dr. Thomas Tirman	Deposed (Sept. 2007)	Indianapolis
The Rev. John Beasley	Deposed (Dec. 2007)	Indianapolis
The Rev. D.O. Smart	Deposed (Nov. 2005)	Kansas
The Rev. Ronald McCrary	Deposed (Nov 2005)	Kansas
The Rev. Kent Litchfield	Deposed (Jan. 2006)	Kentucky
The Rev. Alice Linsley	Removed (March 2006)	Lexington
The Rev. Anna Gulick	Removed (March 2006)	Lexington
The Rev. David Brannen	Inhibited (Jan. 2005)	Lexington
The Rev. Martin Gornik	Removed (March 2006)	Lexington
Deacon Sara Lee Burch	Deposed (Aug. 2006)	Los Angeles

The Rev. Ronald W. Jackson	Deposed (Aug. 2006)	Los Angeles
The Rev. Jose Poch	Deposed (March 2005)	Los Angeles
The Rev. Kathleen Adams	Deposed (March 2005)	Los Angeles
The Rev. Richard Menees	Deposed (March 2005)	Los Angeles
The Rev. William Thompson	Deposed (March 2005)	Los Angeles
The Rev. Lance Giuffrida	Deposed (October 2007)	Massachusetts
The Rev. Allen Kannapell	Deposed (July 2006)	Michigan
The Rev. Terence L. Wilson	Deposed (Feb. 2005)	Milwaukee
John Thomas Urban	Deposed (Oct. 2004)	Mississippi
Ruth Virginia David Urban	Deposed (Oct. 2004)	Mississippi
The Rev. Samuel M. Outerbridge	Released (May 2006)	New Jersey
The Rev. Carlton C. Clarke	Deposed (Aug. 2008)	New York
The Rev. John W. Gibson, Jr.	Deposed (2005)	North Carolina
The Rev. David H. Miller	Deposed (Dec. 2006)	Northern California
The Rev. Constance D. Harris	Released (July 2006)	Ohio
Deacon Samuel E. Gordin II	Deposed (Jan. 2007)	Oklahoma
The Rev. Donald L. Lawrence, Jr.	Deposed (Jan. 2007)	Oklahoma
The Rev. John Bailey	Released (October 2009)	Pittsburgh
The Rev. Ronald Baillie	Released (October 2009)	Pittsburgh
The Rev. Simon Barnes	Released (October 2009)	Pittsburgh
The Rev. James Bauer	Released (October 2009)	Pittsburgh
The Rev. Douglas Blakelock	Released (October 2009)	Pittsburgh
The Rev. Seth Brooker	Released (October 2009)	Pittsburgh
The Rev. Dennett Buettner	Released (October 2009)	Pittsburgh
The Rev. Donald Bushyager	Released (October 2009)	Pittsburgh
The Rev. Aaron Carpenter	Released (October 2009)	Pittsburgh
The Rev. Deborah Carr	Released (October 2009)	Pittsburgh
The Rev. John Paul Chaney	Released (October 2009)	Pittsburgh
The Rev. Geoffrey Chapman	Released (October 2009)	Pittsburgh
The Rev. Paul Cooper	Released (October 2009)	Pittsburgh
The Rev. Robert P. Coval	Released (October 2009)	Pittsburgh
The Rev. Donald Allen Cox, Jr.	Released (October 2009)	Pittsburgh
The Rev. Daniel Crawford	Released (October 2009)	Pittsburgh
The Rev. John Cruikshank	Released (October 2009)	Pittsburgh
The Rev. Lawrence Deihle	Released (October 2009)	Pittsburgh
The Rev. William Driscoll	Released (October 2009)	Pittsburgh
The Rev. Norman Drysdale	Released (October 2009)	Pittsburgh
The Rev. Norman Erb-White	Released (October 2009)	Pittsburgh
The Rev. Leslie Fairfield	Released (October 2009)	Pittsburgh
The Rev. Daryl Fenton	Released (October 2009)	Pittsburgh
The Rev. Dallam Ferneyhough	Released (October 2009)	Pittsburgh
The Rev. John Fierro	Released (October 2009)	Pittsburgh
The Rev. Huett Fleming, Jr.	Released (October 2009)	Pittsburgh
The Rev. James Forrest	Released (October 2009)	Pittsburgh
The Rev. Peter Frank	Released (October 2009)	Pittsburgh
The Rev. John Gabig	Released (October 2009)	Pittsburgh
The Rev. J. Bruce Geary	Released (October 2009)	Pittsburgh
The Rev. Gordon Green	Released (October 2009)	Pittsburgh
The Rev. David H. Grissom	Released (October 2009)	Pittsburgh
The Rev. Don Gross	Released (October 2009)	Pittsburgh
The Rev. John Guest	Released (October 2009)	Pittsburgh
The Rev. Robert Hanna	Released (October 2009)	Pittsburgh



The Rev. Mary Maggard Hays	Released (October 2009)	Pittsburgh
The Rev. Whis Hays	Released (October 2009)	Pittsburgh
The Rev. John Heidengren	Released (October 2009)	Pittsburgh
The Rev. Paul Henry	Released (October 2009)	Pittsburgh
The Rev. William Henry	Released (October 2009)	Pittsburgh
The Rev. Thomas Herrick	Released (October 2009)	Pittsburgh
The Rev. John Hervey	Released (October 2009)	Pittsburgh
The Rev. Travis Hines	Released (October 2009)	Pittsburgh
The Rev. Scott Homer	Released (October 2009)	Pittsburgh
The Rev. Eric Hornbuckle	Released (October 2009)	Pittsburgh
The Rev. Ira Houck, Jr.	Released (October 2009)	Pittsburgh
The Rev. William Henry Ilgenfritz	Released (October 2009)	Pittsburgh
The Rev. Samuel Jampetro IV	Released (October 2009)	Pittsburgh
The Rev. Terrence Johnson	Released (October 2009)	Pittsburgh
The Rev. Arnold Klukas	Released (October 2009)	Pittsburgh
The Rev. Carrie Klukas	Released (October 2009)	Pittsburgh
The Rev. Christopher Klukas	Released (October 2009)	Pittsburgh
The Rev. Barbara Knotts	Released (October 2009)	Pittsburgh
The Rev. Lawrence Knotts	Released (October 2009)	Pittsburgh
The Rev. Joseph Koch	Released (October 2009)	Pittsburgh
The Rev. Colin Patrick Larkin	Released (October 2009)	Pittsburgh
The Rev. John Leggett	Released (October 2009)	Pittsburgh
The Rev. Tina Lockett	Released (October 2009)	Pittsburgh
The Rev. John Macdonald	Released (October 2009)	Pittsburgh
The Rev. David MacKenzie	Released (October 2009)	Pittsburgh
The Rev. Ethan Magness	Released (October 2009)	Pittsburgh
The Rev. Juan Marentes	Released (October 2009)	Pittsburgh
The Rev. Ronald McKeon	Released (October 2009)	Pittsburgh
The Rev. Joseph R. Martin	Released (October 2009)	Pittsburgh
The Rev. Jeffrey Mead	Released (October 2009)	Pittsburgh
The Rev. Peggy Means	Released (October 2009)	Pittsburgh
The Rev. Jonathan Millard	Released (October 2009)	Pittsburgh
The Rev. Gary D. Miller	Released (October 2009)	Pittsburgh
The Rev. James Morehead III	Released (October 2009)	Pittsburgh
The Rev. Carl Neely, Jr.	Released (October 2009)	Pittsburgh
The Rev. Stephen Noll	Released (October 2009)	Pittsburgh
The Rev. Peter Ostrander	Released (October 2009)	Pittsburgh
The Rev. F. Ann Paton	Released (October 2009)	Pittsburgh
The Rev. Langdon Pegram	Released (October 2009)	Pittsburgh
The Rev. George Pierce	Released (October 2009)	Pittsburgh
The Rev. John Porter	Released (October 2009)	Pittsburgh
The Rev. Keith Pozzuto	Released (October 2009)	Pittsburgh
The Rev. Jeffrey Rawn	Released (October 2009)	Pittsburgh
The Rev. Andrew Ray	Released (October 2009)	Pittsburgh
The Rev. David Rucker	Released (October 2009)	Pittsburgh
The Rev. Douglas Sherman, Jr.	Released (October 2009)	Pittsburgh
The Rev. Eddie Slayton	Released (October 2009)	Pittsburgh
The Rev. Jay Slocum	Released (October 2009)	Pittsburgh
The Rev. David St. Clair	Released (October 2009)	Pittsburgh
The Rev. William Starke	Released (October 2009)	Pittsburgh
The Rev. Karen Stevenson	Released (October 2009)	Pittsburgh
The Rev. Elaine Storm	Released (October 2009)	Pittsburgh

The Rev. Paul Sutcliffe, Jr.	Released (October 2009)	Pittsburgh
The Rev. Clifford Swartz	Released (October 2009)	Pittsburgh
The Rev. Eric Taylor	Released (October 2009)	Pittsburgh
The Rev. Gaea Thompson	Released (October 2009)	Pittsburgh
The Rev. H. Lawrence Thompson III	Released (October 2009)	Pittsburgh
The Rev. Andrew Tibus	Released (October 2009)	Pittsburgh
The Rev. Joseph Vitunic, Jr.	Released (October 2009)	Pittsburgh
The Rev. James Vreeland	Released (October 2009)	Pittsburgh
The Rev. Matthew Walter	Released (October 2009)	Pittsburgh
The Rev. David Wilson	Released (October 2009)	Pittsburgh
The Rev. Michael Wurschmidt	Released (October 2009)	Pittsburgh
The Rev. Michael Yemba	Released (October 2009)	Pittsburgh
The Rev. Aaron Zimmerman	Released (October 2009)	Pittsburgh
The Rev. Mark Zimmerman	Released (October 2009)	Pittsburgh
The Rev. Donald Bowers	Released (October 2009)	Pittsburgh
The Rev. Andrea Buettner	Released (October 2009)	Pittsburgh
The Rev. Marybeth Carey	Released (October 2009)	Pittsburgh
The Rev. James Chester	Released (October 2009)	Pittsburgh
The Rev. Jack Dolan	Released (October 2009)	Pittsburgh
The Rev. Karen Geary	Released (October 2009)	Pittsburgh
The Rev. J. Edmond Hay	Released (October 2009)	Pittsburgh
The Rev. Joanne Hetrick	Released (October 2009)	Pittsburgh
The Rev. Harold Hicks, Jr.	Released (October 2009)	Pittsburgh
The Rev. Judith Lynn Howells	Released (October 2009)	Pittsburgh
The Rev. Tara Jernigan	Released (October 2009)	Pittsburgh
The Rev. Byron Johnson	Released (October 2009)	Pittsburgh
The Rev. Colleen Klingensmith	Released (October 2009)	Pittsburgh
The Rev. Marion Kush	Released (October 2009)	Pittsburgh
The Rev. Jonathan Linebaugh	Released (October 2009)	Pittsburgh
The Rev. Robert Lytle, Sr.	Released (October 2009)	Pittsburgh
The Rev. Ruth Manson	Released (October 2009)	Pittsburgh
The Rev. Nancy Phillips	Released (October 2009)	Pittsburgh
The Rev. William Rau	Released (October 2009)	Pittsburgh
The Rev. Elizabeth Rodewald	Released (October 2009)	Pittsburgh
The Rev. Joel Scandrett	Released (October 2009)	Pittsburgh
The Rev. Diane Scott	Released (October 2009)	Pittsburgh
The Rev. Rebecca Spanos	Released (October 2009)	Pittsburgh
The Rev. Mary Jeane Steele	Released (October 2009)	Pittsburgh
The Rev. Mark Stevenson	Released (October 2009)	Pittsburgh
The Rev. Laura Theis	Released (October 2009)	Pittsburgh
The Rev. Wendell Turney	Released (October 2009)	Pittsburgh
The Rev. Harry Walter	Released (October 2009)	Pittsburgh
The Rev. Kathy Walzer	Released (October 2009)	Pittsburgh
The Rev. Laura Wicker	Released (October 2009)	Pittsburgh
The Rev. Dennis Wilson	Released (October 2009)	Pittsburgh
The Rev. Karen Woods	Released (October 2009)	Pittsburgh
The Rev. John R. Spencer	Deposed (Aug 2009)	Quincy
The Rev. Edward den Blaauwen	Deposed (Aug 2009)	Quincy
The Rev. Richard Chapin	Deposed (Aug 2009)	Quincy
The Rev. Thomas Janikowski	Deposed (Aug 2009)	Quincy
The Rev. Lewis Payne	Deposed (Aug 2009)	Quincy
The Rev James Marshall	Deposed (Aug 2009)	Quincy

The Rev. Peter Powell	Deposed (Aug 2009)	Quincy
The Rev. Andy Ainley	Inhibited (Sep 2009)	Quincy
The Rev. William Barnds	Inhibited (Sep 2009)	Quincy
The Rev. Michael Brooks	Inhibited (Sep 2009)	Quincy
The Rev. Eric Craig	Inhibited (Sep 2009)	Quincy
The Rev. Richard Crist	Inhibited (Sep 2009)	Quincy
The Rev. James Derbyshire	Inhibited (Sep 2009)	Quincy
The Rev. Shawn Doubet	Inhibited (Sep 2009)	Quincy
The Rev. Ronald Drummond	Inhibited (Sep 2009)	Quincy
The Rev. Charles Flinn	Inhibited (Sep 2009)	Quincy
The Rev. Gus Franklin	Inhibited (Sep 2009)	Quincy
The Rev. Thomas Gimple	Inhibited (Sep 2009)	Quincy
The Rev. M. Bill Knapp	Inhibited (Sep 2009)	Quincy
The Rev. Louis Mahue	Inhibited (Sep 2009)	Quincy
The Rev. Arthur Mattox	Inhibited (Sep 2009)	Quincy
The Rev. Steven McClaskey	Inhibited (Sep 2009)	Quincy
The Rev. Nicholas Pierce	Inhibited (Sep 2009)	Quincy
The Rev. V. Joey Scalisi	Inhibited (Sep 2009)	Quincy
The Rev. William Swatos	Inhibited (Sep 2009)	Quincy
The Rev. Robert Tiling	Inhibited (Sep 2009)	Quincy
The Rev. David Wagner	Inhibited (Sep 2009)	Quincy
The Rev. Ronald White	Inhibited (Sep 2009)	Quincy
The Rev. Deacon Rod Bales	Inhibited (Sep 2009)	Quincy
The Rev. Deacon Paul Brooks	Inhibited (Sep 2009)	Quincy
The Rev. Deacon Diane Brooks	Inhibited (Sep 2009)	Quincy
The Rev. Deacon Dennis Brown	Inhibited (Sep 2009)	Quincy
The Rev. Deacon Phillip Fleming	Inhibited (Sep 2009)	Quincy
The Rev. Deacon Danny Grimes	Inhibited (Sep 2009)	Quincy
The Rev. Deacon K. Krewer	Inhibited (Sep 2009)	Quincy
The Rev. Deacon Joshua Miller	Inhibited (Sep 2009)	Quincy
The Rev. Deacon William Timmons	Inhibited (Sep 2009)	Quincy
The Rev. Deacon Christian Whatley	Inhibited (Sep 2009)	Quincy
The Rev. Alfred A. Sawyer	Deposed ((Mar 2009)	Rio Grande
The Rev. David J. Harnish	Deposed (July 2006)	Rochester
The Rev. Keith J. Acker	Deposed (Aug. 2006)	San Diego
The Rev. Robert M. Jepsen	Deposed (Aug. 2006)	San Diego
The Rev. Stephen A. Baron	Released (Aug. 2006)	San Diego
The. Rev. Lawrence D. Bausch	Deposed (June 2007)	San Diego
The Rev. Anthony J. Faint	Deposed (June 2007)	San Diego
The Rev. Donald L. Kroeger	Deposed (June 2007)	San Diego
The Rev. Michael Nee	Deposed (June 2007)	San Diego
The Rev. Joseph R. Rees	Deposed (June 2007)	San Diego
The Rev. Dee Renner	Deposed (June 2007)	San Diego
The Rev. Edward J. Renner	Deposed (June 2007)	San Diego
The Rev. Robert S. Trebbe	Deposed (June 2007)	San Diego
The Rev. Judith R. Battershell	Deposed (Oct. 2008)	San Joaquin
The Rev. David Alan Brown	Deposed (Oct. 2008)	San Joaquin
The Rev. Madeline Durrett Burton	Deposed (Oct. 2008)	San Joaquin
The Rev. Wesley James Clare	Deposed (Oct. 2008)	San Joaquin
The Rev. Donald J. Cleave	Deposed (Oct. 2008)	San Joaquin
The Rev. John Chilson Combs	Deposed (Oct. 2008)	San Joaquin
The Rev. Dale Jackson Cox	Deposed (Oct. 2008)	San Joaquin

The Rev. Carl E. Dietze	Deposed (Oct. 2008)	San Joaquin
The Rev. William Richard Eastman	Deposed (Oct. 2008)	San Joaquin
The Rev. Jack Alexander Estes	Deposed (Oct. 2008)	San Joaquin
The Rev. Jack Dwayne Faucett	Deposed (Oct. 2008)	San Joaquin
The Rev. David Mallery Foster	Deposed (Oct. 2008)	San Joaquin
The Rev. Thomas Mallery Foster	Deposed (Oct. 2008)	San Joaquin
The Rev. William E. Gandenberger	Deposed (Oct. 2008)	San Joaquin
The Rev. Erin Christianson Giles	Deposed (Oct. 2008)	San Joaquin
The Rev. Howard Roden Giles, II	Deposed (Oct. 2008)	San Joaquin
The Rev. Laurel Julliette Greene	Deposed (Oct. 2008)	San Joaquin
The Rev. Woodrow Canieso Guban	Deposed (Oct. 2008)	San Joaquin
The Rev. Robert George Hilliard	Deposed (Oct. 2008)	San Joaquin
The Rev. Richard Ian James	Deposed (Oct. 2008)	San Joaquin
The Rev. Blandford B. Jones, II	Deposed (Oct. 2008)	San Joaquin
The Rev. Jinkun Michael Jun	Deposed (Oct. 2008)	San Joaquin
The Rev. Gordon M. Kamai	Deposed (Oct. 2008)	San Joaquin
The Rev. Linda Marie Klug	Deposed (Oct. 2008)	San Joaquin
The Rev. Wolfgang Eugene Krismanits	Deposed (Oct. 2008)	San Joaquin
The Rev. Robert Victor Latour	Deposed (Oct. 2008)	San Joaquin
The Rev. Cathy Marie Fresbie Leach	Deposed (Oct. 2008)	San Joaquin
The Rev. Frances Genevieve Levy	Deposed (Oct. 2008)	San Joaquin
The Rev. Thomas Lawrence Maggitti	Deposed (Oct. 2008)	San Joaquin
The Rev. Bertha Jean Rodriguez Marker	Deposed (Oct. 2008)	San Joaquin
The Rev. Van austin McCallister, II	Deposed (Oct. 2008)	San Joaquin
The Rev. Michael Donald McClenaghan	Deposed (Oct. 2008)	San Joaquin
The Rev. Arlen Glen Neckels	Deposed (Oct. 2008)	San Joaquin
The Rev. Stephen George Nicholls	Deposed (Oct. 2008)	San Joaquin
The Rev. Ronald James Parry	Deposed (Oct. 2008)	San Joaquin
The Rev. Tancredo Ribubuet Pastores, Jr.	Deposed (Oct. 2008)	San Joaquin
The Rev. Carlos Lee Raines	Deposed (Oct. 2008)	San Joaquin
The Rev. Robert R. Richard	Deposed (Oct. 2008)	San Joaquin
The Rev. Kenneth D. Richards	Deposed (Oct. 2008)	San Joaquin
The Rev. Norman John Riebe	Deposed (Oct. 2008)	San Joaquin
The Rev. Roger Dirk Riggsby	Deposed (Oct. 2008)	San Joaquin
The Rev. Jerry Dean Roberts	Deposed (Oct. 2008)	San Joaquin
The Rt. Rev. John-David M. Schofield	Deposed (Mar. 2008)	San Joaquin
The Rev. Donald Austin Seeks	Deposed (Oct. 2008)	San Joaquin
The Rev. James Langley Snell	Deposed (Oct. 2008)	San Joaquin
The Rev. Kay Winifred Sprague	Deposed (Oct. 2008)	San Joaquin
The Rev. James L. Stout	Deposed (Oct. 2008)	San Joaquin
The Rev. Mary Gwathmey Swann	Deposed (Oct. 2008)	San Joaquin
The Rev. Charles Richard Threewit	Deposed (Oct. 2008)	San Joaquin
The Rev. Robert Ward Tobias	Deposed (Oct. 2008)	San Joaquin
The Rev. John-Paul Wadlin	Deposed (Oct. 2008)	San Joaquin
The Rev. Andrew Edward Watson	Deposed (Oct. 2008)	San Joaquin
The Rev. Jane Reeves Futrell Williams	Deposed (Oct. 2008)	San Joaquin
The Rev. Paul L. Nicely	Released (Aug. 2006)	Southern Ohio
The Rev. Colin C. Cooper	Deposed (Sept. 2008)	Southern VA
The Rev. Martin O'Rourke	Deposed (Nov. 2006)	Southern VA
The Rev. J. Coleman Tyler	Deposed (Aug. 2008)	Southern VA
The Rev. William Midgett	Deposed (August 2008)	Tennessee
The Rev. David N. Jones	Deposed (July 2007)	Virginia

The Rev. David R. Harper	Deposed (July 2007)	Virginia
The Rev. E. Kathleen Christopher	Deposed (July 2007)	Virginia
The Rev. Elijah B. White	Deposed (July 2007)	Virginia
The Rev. Frederick M. Wright	Deposed (July 2007)	Virginia
The Rev. George R. Beaven	Deposed (July 2007)	Virginia
The Rev. Herbert J. McMullan	Deposed (July 2007)	Virginia
The Rev. Jack W. Grubbs	Deposed (July 2007)	Virginia
The Rev. Jeffrey O. Cerar	Deposed (July 2007)	Virginia
The Rev. John A.M. Guernsey	Deposed (July 2007)	Virginia
The Rev. John W. Yates II	Deposed (July 2007)	Virginia
The Rev. Marion D. Lucas, III	Deposed (July 2007)	Virginia
The Rev. Mark W. Brown	Deposed (July 2007)	Virginia
The Rev. Marshall Brown	Deposed (July 2007)	Virginia
The Rev. Neal H. Brown	Deposed (July 2007)	Virginia
The Rev. Ramsey D. Gilchrist	Deposed (July 2007)	Virginia
The Rev. Richard C. Crocker	Deposed (July 2007)	Virginia
The Rev. Robin Rauh	Deposed (July 2007)	Virginia
The Rev. Robin T. Adams	Deposed (July 2007)	Virginia
The Rev. Valarie A. Whitcomb	Deposed (July 2007)	Virginia
The Rev. Phil Ashley	Deposed (Dec. 2005)	Virginia
The Rev. Charles A. Williams IV	Deposed (April 2005)	West Tennessee

---

**UNCONSTITUTIONAL ASSUMPTION OF POWER BY PRESIDING BISHOP IN  
CIRCUMVENTING A LAWFULLY EXISTING STANDING COMMITTEE IN THE DIOCESE OF  
SAN JOAQUIN THROUGH THE MISUSE OF CANON I.17.8**

---

*\*The following is based on an article published by the Rev. Dr. Philip Turner, Subversion of the Constitution and Canons of the Episcopal Church: On Doing What it Takes to Get What You Want. The article was originally published in November of 2008.*

In 2006 San Joaquin’s Diocesan Convention voted to withdraw from TEC and define the Diocese as “a constituent member of the Anglican Communion.” Though the Convention might have done so, these actions did not align the diocese with any other Anglican Province. However, in December of 2007 the Convention took a necessary second vote to withdraw from TEC. As well, it voted to place itself under the authority of the Primate of the Anglican Province of the Southern Cone.

After the convention however, six of the eight members of the Standing Committee indicated their intention not to follow the majority of the diocese. Further, in mid-January the President of the Standing Committee in a telephone conversation with the Presiding Bishop stated that the majority of the Standing Committee did not intend to join the secession, and what is more wished to continue to operate under the Constitution and Canons of The Episcopal Church.

In an extraordinary letter dated January 25, 2008 The Presiding Bishop wrote the six who did not leave for the Southern Cone saying that she did not recognize them as the Standing Committee of the Diocese of Joaquin. Her reason for “de-recognition” was a purported action on the part of the Standing Committee to take the Diocese of San Joaquin out of TEC. This action she claimed conflicted with the Constitution and Canons of The Episcopal Church. She mentioned in particular Canon I.17.8 that states, “any person accepting any office in this Church shall well and faithfully perform the duties of that office in accordance with the Constitution and Canons of this Church and the Diocese in which the office is being exercised.”

In the first place, despite claims to the contrary, there is no constitutional provision that prevents a diocese either from withdrawing from TEC or aligning itself with another province or another primate. An action of this sort does not lie beyond the right of any diocese, because it does not violate the Constitution of TEC. Therefore Canon I.17.8 does not apply.

Secondly, in contradistinction to the Presiding Bishop's claim, the members of the Standing Committee took no actions *as members of the Standing Committee* that do not accord with the Constitution and Canons of TEC. Even if one assumes withdrawal from TEC is unconstitutional it was the Convention of the diocese and not its Standing Committee that took the actions in question. How the members of the Standing Committee might have voted at the Convention is both unknown and irrelevant.

Moreover, if one accepts for purposes of argument the Presiding Bishop's assumption that withdrawal is unconstitutional, the most reasonable conclusion to draw is that the six were perfectly correct when they warned the Presiding Bishop in a response to her letter, "Any attempt on your part, or the part of any other person, to circumvent or replace the Standing Committee as the Ecclesiastical Authority will be a violation of the Constitution and Canons of The Episcopal Church." As members of the Standing Committee they had taken no action to withdraw.

Finally, Canon 1.17.8 does not on its face, or by implication, grant authority to the Presiding Bishop to remove anyone from office.

Despite these facts, the Presiding Bishop dissolved the Standing Committee and issued a call for a Special Convention at which all delegates were required, as a condition of attendance, to subscribe an oath of conformity to The Episcopal Church. She went on to appoint clergy from other dioceses to serve in San Joaquin on an interim basis, and she chose a retired bishop as interim until confirmed by the Special Convention.

The Diocese of San Joaquin acted within its rights to withdraw from TEC and align itself with the Province of the Southern Cone. However, even if one rejects this conclusion, neither the Constitution nor the Canons give the Office of the Presiding Bishop authority to dissolve a Standing Committee, appoint another, call a Special Convention or bypass a Standing Committee in the appointment of an interim bishop. Her actions are best interpreted as aggressive attempts to assume powers not accorded her office either by TEC's foundational document or by its Canon Law. Should these claims be allowed to stand, the Constitution of TEC will have been both violated and, by said violation, changed in a way that frankly reverses its clear terms. The dioceses of TEC will, in principle, have been rendered creatures of the General Convention and the Office of the Presiding Bishop rather than, as is now the case, the reverse.

## LITIGATION

### A HISTORY OF LAWSUITS INITIATED BY THE EPISCOPAL CHURCH

---

**AT LAMBETH 2008, BISHOPS OF THE TEC MISREPRESENTED THE FACTS TO OTHER BISHOPS OF THE ANGLICAN COMMUNION WHEN THEY CLAIMED THAT DEPARTING CHURCHES SUED THE DIOCESES AND TEC**

---

During the Lambeth Conference indaba group discussions, TEC Bishops either deliberately, or with reckless indifference to the truth, misrepresented the truth about the lawsuits they are involved in with their own parishes. As the Right Reverend Jonathan Gledhill, Bishop of Litchfield, reported on his weblog:

*In the discussion afterwards we are told that the US House of Bishops has regretted for the hurt it has caused and its lack of consultation and has issued a public apology - though no one has the exact wording. We are also told that the Canadians have voted against same-sex blessings - though two dioceses are pressing their bishops to change that. We are told that in the lawsuits in America between parishes and their dioceses it is the dioceses who are the defendants and the conservative parishes who are the accusers*

This is manifestly untrue. It is a well known fact to many individual Episcopalians—both those who have left TEC and those who have remained—that TEC and its dioceses have followed a pattern of suing any church that chooses to leave for another Anglican jurisdiction. The lawsuits initiated by TEC and its dioceses to date are listed below, and makes no claim to be complete. It is a list of those legal actions that we are aware of, where The Episcopal Church and/or one of its dioceses played the role of plaintiff—the party who initiates a case in court by filing a complaint to seize the assets and real property of any church choosing to leave TEC. Please note that wherever possible the actual citation of the case has been listed. Also, please note the dates on said cases, which demonstrate the acceleration of litigation by TEC and its dioceses in *defiant rejection* of the Primates' call for a moratorium on litigation at the Dar es Salaam meeting:

1. Against Christ Anglican Church in Mobile, AL (plaintiff was the Diocese of the Central Gulf Coast---the suit settled before trial);

2-4 . Against St. John's Episcopal Church in Fallbrook, CA; St. Anne's, in Oceanside CA; and Holy Trinity, in Ocean Beach, CA (plaintiff in all three cases is the Diocese of San Diego) Stayed pending outcome in California Supreme Court.

5. New cause of action by TEC against St. John's Episcopal Church in Fallbrook, CA: Dale W. New, Richard L. Goodlake and the Episcopal Diocese of San Diego v. The Rev. Donald L. Kroeger, et al. (petition has been filed with the California Supreme Court from a decision of the Fourth Appellate District); (Plaintiff is the Diocese of San Diego)

6-8. Against St. James Anglican Church, Newport Beach CA and two others; Episcopal Diocese of Los Angeles and TEC v. St. James (Newport Beach) et al. (lead case), Episcopal Diocese of Los Angeles and TEC v. All Saints (Long Beach) et al. (on hold), Episcopal Diocese of Los Angeles and TEC v. St. David's (North Hollywood) et al. (on hold); Episcopal Church Cases, S155094 (Diocese of Los Angeles is plaintiff, joined by TEC)

9. Against St. Luke's of the Mountains Anglican Church, et al, La Crescenta CA; Patricia Huber, The Right Rev. Sergio Carranza, The Protestant Episcopal Church in the Diocese of Los Angeles, The Right Rev. J. Jon Bruno, Bishop Diocesan of the Episcopal Diocese of Los Angeles v. The Rev. Dr. Ronald W. Jackson, St. Luke's of the Mountains Anglican Church, et al. (on appeal from Los Angeles Superior Court to Second Appellate District, but assigned to the Fourth Appellate District for decision); (Plaintiff is the Diocese of Los Angeles)

10. Against St. John's Anglican Church in Petaluma, CA ; Episcopal Diocese of Northern California v. St. John's Anglican Church, Petaluma (Sonoma County Superior Court; parties agreed to await California Supreme Court decision); (Diocese of Northern California is plaintiff);

11. Against Bishop John David Schofield and the diocesan investment fund in the Anglican Diocese of San Joaquin, CA (Southern Cone); Episcopal Diocese of San Joaquin, The Rt. Rev. Jerry A. Lamb and The Episcopal Church v. Bishop John-David Schofield and The Episcopal Foundation of San Joaquin (Fresno Superior Court; case involves the Diocese of San Joaquin withdrawing from The Episcopal Church); (TEC established and funded Diocese of San Joaquin is the Plaintiff).

12. Against Trinity Anglican Church in Bristol, CT (Plaintiff is the Diocese of Connecticut, case recently settled)
13. Against the rector and former vestry of Bishop Seabury Church in Groton, CT; (Plaintiff is the Diocese of Connecticut)
14. Against Redeemer Anglican Church in Jacksonville, FL: Episcopal Church in the Diocese of Florida v. Lebhar, Case No. 16-2006-CA-002361 (Duval Cnty. Fla. Cir Ct.) (plaintiff was the Diocese of Florida)
15. Against Christ Church in Savannah, GA; Bishop of the Episcopal Diocese of Georgia, Inc., The Episcopal Church, et al. v. The Rector, Wardens and Vestrymen of Christ Church in Savannah, et al., (Civil Action No. CV07-2039KA, Superior Ct., Chatham County). (Plaintiff is the Diocese of Georgia and TEC, joined subsequently by shadow congregation formed by TEC and the Diocese);
16. Against All Saints Church in Attleboro, MA (plaintiff was the Diocese of Massachusetts; the case settled in 2007);
17. Against St. Andrew's Anglican Church in Morehead City, NC (plaintiff was the Diocese of East Carolina and those members of the parish who had not voted to join AMiA; following a jury mistrial, plaintiffs obtained summary judgment which was affirmed on appeal);
18. Against the Church of the Good Shepherd in Binghamton, NY; The Diocese of Central New York v. The Rector, Church Wardens, and Vestrymen of the Church of the Good Shepherd, Index No. 2008-0980 (N.Y. Sup Ct. Broome Cnty); (Plaintiff is the Diocese of Central New York, joined by TEC)
19. Against St. Joseph's Anglican Church (formerly Trinity Church of East New York) in Brooklyn, NY, which originally separated from TEC in 1977, before the adoption of the Dennis Canon (plaintiff was the Diocese of Long Island, in a second brought in 2005 after it lost its first suit, filed in the early 1980's---the case settled early this year);
20. Against St. James Anglican Church in Elmhurst (Queens), NY (plaintiff was the Diocese of Long Island)
21. Against All Saints Protestant Episcopal Church in Rochester, NY; Episcopal Diocese of Rochester, et al. v. Harnish et al., Index No. 2006-2669 (N.Y. Sup Ct. Monroe Cnty.) (plaintiff was the Diocese of Rochester);
22. Against St. Andrew's in Syracuse, NY; Diocese of Central New York, et al. v. St. Andrew's Episcopal Church, Index No. 2006-4606 (Sup. Ct. N.Y. Onondaga Cnty.) (plaintiff originally was the Diocese of Central New York, and TEC's Domestic and Foreign Missionary Society later intervened---the lawsuit recently settled);
23. Against the Church of St, James the Less; In re Church of St. James the Less, 585 Pa. 428; 888 A.2d 795; 2005 Pa. LEXIS 3116 (Pa. 2005); (Plaintiff is the Diocese of Pennsylvania)
24. Against Church of the Epiphany Herndon VA; The Protestant Episcopal Church in the Diocese of Virginia v. Church of the Epiphany, Herndon, CL 2007-1235 (Circuit Court for Fairfax County, Va.); (Plaintiff is the Diocese of Virginia)
25. Against Truro Church Fairfax VA; The Protestant Episcopal Church in the Diocese of Virginia v. Truro Church, CL 2007-1236 (Circuit Court for Fairfax County, Va.); (Plaintiff is the Diocese of Virginia)



26. Against Christ the Redeemer Church, Chantilly VA; The Protestant Episcopal Church in the Diocese of Virginia v. Christ the Redeemer Church, CL 2007-1237 (Circuit Court for Fairfax County, Va.); (Plaintiff is the Diocese of Virginia)
27. Against Church of the Apostles, Fairfax VA; The Protestant Episcopal Church in the Diocese of Virginia v. Church of the Apostles, CL 2007-1238 (Circuit Court for Fairfax County, Va.); (Plaintiff is the Diocese of Virginia)
28. Against The Falls Church, Falls Church VA; The Protestant Episcopal Church in the Diocese of Virginia v. The Church at The Falls – The Falls Church, CL 2007-5250 (Circuit Court for Fairfax County, Va.)(formerly Case No. 07-125, Circuit Court for Arlington County, Va.); (Plaintiff is the Diocese of Virginia)
29. Against Potomac Falls Church, Potomac Falls VA; The Protestant Episcopal Church in the Dioceses of Virginia v. Potomac Falls Church, CL 2007-5362 (Circuit Court for Fairfax County, Va.)(formerly Case No. 44149, Circuit Court for Loudoun County, Va.); (Plaintiff is the Diocese of Virginia)
30. Against Church of Our Saviour, Oatlands VA; The Protestant Episcopal Church in the Diocese of Virginia v. Church of Our Saviour at Oatlands, CL 2007-5364 (Circuit Court for Fairfax County, Va.) (formerly Case No. 44148, Circuit Court for Loudoun County, Va.); (Plaintiff is the Diocese of Virginia)
31. Against St. Margaret’s Church, Woodbridge VA; The Protestant Episcopal Church in the Diocese of Virginia v. St. Margaret’s Church, CL 2007-5682 (Circuit Court for Fairfax County, Va.) (formerly Case No. CL 73465, Circuit Court for Prince William Cnty., Va.); (Plaintiff is the Diocese of Virginia)
32. Against St. Paul’s Church, Haymarket VA; The Protestant Episcopal Church in the Diocese of Virginia v. St. Paul’s Church, Haymarket, Case No. CL 73466 (Circuit Court for Fairfax County, Va.) (formerly CL 2007-5683, Prince William County, Va.); (Plaintiff is the Diocese of Virginia)
33. Against Church of the Word, Gainesville VA: The Protestant Episcopal Church in the Diocese of Virginia v. Church of the Word, CL 2007-5684 (Circuit Court for Fairfax County, Va.)(formerly Case No. CL 73464, Circuit Court for Prince William County, Va.); (Plaintiff is the Diocese of Virginia)
34. Against St. Stephen’s Church, Heathsville VA; The Protestant Episcopal Church in the Diocese of Virginia v. St. Stephen’s Church, CL 2007-5902 (Circuit Court for Fairfax County, Va.)(formerly Case No. CL 07-16, Circuit Court for Northumberland County, Va.); (Plaintiff is the Diocese of Virginia)
- 35-45. Against Truro Church and all of the Virginia Anglican churches affiliating with CANA above, Plaintiff is The Episcopal Church (TEC); The Episcopal Church v. Truro Church, et al., CL 2007-1625 (Circuit Court for Fairfax County, Va)
- 46-50. Against St. Luke's Church in Akron, OH and four other northeast Ohio parishes; The Episcopal Diocese of Ohio, et al.v. Anglican Church of the Transfiguration, et al., Civil Action No CV 08 654973 (Cuyahoga County, Ohio Court of Common Pleas). (plaintiff is the Diocese of Ohio).
51. Against Church of the Good Shepherd, San Angelo TX (Plaintiff is the Diocese of NW Texas)
52. Against St. Edmunds Anglican Church, Elm Grove WI (Plaintiff is the Diocese of Milwaukee, as reported in The Living Church January 7, 2009)

53. Against the 50+ churches of the Episcopal Diocese of Pittsburgh (Anglican-Southern Cone). Plaintiff is the TEC replacement Diocese of Pittsburgh (as reported January 9 in The Associated Press), arising out of an earlier lawsuit initiated by Calvary Church, Pittsburgh *against* Bishop Duncan and the Diocese of Pittsburgh to prevent them from leaving TEC.

54. Against St. Andrew's Parish in Nashville, TN (Plaintiff is the Diocese of Tennessee)

55. Against St. Barnabas Church, Omaha, NE (Plaintiff is the Diocese of Nebraska)

56. Against the 40+ churches of the Episcopal Diocese of Fort Worth (Anglican-Southern Cone). Plaintiff is the TEC replacement Diocese of Fort Worth. Cause No. 141-237105-09 (District Court for Tarrant County, Texas)

As a matter of fairness, let us also list the number of cases where The Episcopal Church or one of its dioceses is the defendant and not the plaintiff. There are only four instances in which a diocese or The Episcopal Church were defendants, rather than plaintiffs. But in cases numbered 2-4, as noted below, it was the diocese which triggered the filing of a lawsuit by moving to take control of the individual church's assets, and the legal actions that followed were essentially a defensive response against those moves. In the Calvary Church case, #5, it was a case of one church seeking to keep a whole diocese from leaving TEC.

1. The earliest instance of a parish starting a lawsuit was in 2000, after a dispute arose between All Saints Parish, Pawley's Island, SC, the Diocese of South Carolina, and TEC in connection with the formation of the Anglican Mission in America.

2. An action was brought in 2005 in federal district court by six parishes and their rectors (the "Connecticut Six") against the Diocese of Connecticut, whose bishop had suspended the priests in question and taken over some of the church properties. The court dismissed the lawsuit the next year, and the diocese has since brought the actions listed as Nos. 12 and 13 above.

3. Grace Church & St. Stevens, Colorado Springs sought declaratory judgment against the Bishop and the Diocese of Colorado. However, in that suit, the plaintiff church sought a simple declaration that the diocese had no right, title or interest in its property, in response to an attempt by the diocese to freeze the church's bank accounts. The response of the diocese was to file a counterclaim against the church, its rector and seventeen of its vestry and leading parishioners seeking millions of dollars in damages. Those so named answered in kind, and the claims were tried in February 2009. TEC and the Diocese of Colorado prevailed; the people had to vacate the building, and the Rector had to vacate the home he had jointly purchased with the church, and forfeit his personal share in it, as a result of the judgment.

4. The Diocese of Rio Grande is suing St. Francis on the Hill (El Paso TX). St. Francis began the suit with a claim for declaratory relief in response to the threat of suit by the Diocese to take their property.

5. Against the 50+ churches of the Episcopal Diocese of Pittsburgh (Anglican-Southern Cone). Plaintiff is the TEC replacement Diocese of Pittsburgh arising out of an earlier lawsuit initiated by Calvary Church, Pittsburgh *against* Bishop Duncan and the Diocese of Pittsburgh to prevent them from leaving TEC. A stipulation entered into between the attorneys for Bishop Duncan (on behalf of the now Anglican Diocese of Pittsburgh) and Calvary Church was ruled upon by the court in response to Calvary's motion to take ownership of Diocesan assets, with TEC and the replacement Diocese of Pittsburgh intervening. The court ruled in favor of the plaintiffs, and the Anglican Diocese of Pittsburgh has turned over diocesan assets to the replacement Episcopal Diocese.

In conclusion the data gathered above are more than sufficient to demonstrate that the official TEC "line at Lambeth", as heard and reported by Bishop Gledhill, is manifestly contrary to the facts.

---

## ACCELERATING LITIGATION

---

In spite of the Primates' repeated requests to suspend litigation, the national church and many TEC dioceses are involved in litigation against former TEC parishes that have left for other jurisdictions in the Anglican Communion. Litigation against former TEC parishes, clergy and members has been initiated in the dioceses of Atlanta, Central New York, Colorado, Connecticut, Florida, Fort Worth, Los Angeles, Massachusetts, Milwaukee, Nebraska, Northern California, Northwest Texas, Ohio, Pittsburgh, Quincy, Rio Grande, San Diego, San Joaquin, Tennessee, and Virginia.

### a. The Cost of Litigation—Millions of dollars, without an accounting

TEC has refused to reveal how much has been spent on litigation against former parishes despite repeated requests to do so. In 2007 over 5,000 people signed a petition demanding TEC reveal the sources of funds and how much money it has “spent since 2004 on litigation against individuals and parishes.” Five retired bishops also wrote the Executive Council requesting the same information, but TEC refused to answer, saying only that “the church is receiving extraordinary value for the funds it does spend.” The 2007 TEC budget included over a million dollars for legal fees. In 2008 TEC went over budget by approximately \$1.5 million in litigation costs. The budget for 2009 allocated \$600,000 for legal support to dioceses and litigation expenses. Only \$1.1 million was available in short term reserves to cover additional legal expenses. The triennial budget for 2010-2012 adopted by General Convention in 2009 allocates \$1,000,300 for Title IV (which includes all types of legal proceedings, including lawsuits against departing parishes and dioceses) and shows expenditures of \$1,795,890 for 2007-2009. In the category of legal support of dioceses which also helps fund lawsuits, \$3 million is budgeted for the next triennial and \$3,063,133 was spent during 2007-2009.

After spending \$1 million on their case against 11 departing parishes, in 2008 the diocese of Virginia raised their line of credit by another \$1 million and considered selling non-strategic unimproved real estate to cover legal expenses.

### b. Abuse of power by TEC and diocesan bishops in authorizing litigation against individual lay leaders in church property cases

The litigation tactics typically employed by The Episcopal Church and its dioceses include suing individual, volunteer vestry members to recover parish property in court. For example, in the cases litigated by TEC and the Dioceses of Los Angeles and San Diego (numbers 2-9, above) against departing congregations since 2004, at least four dozen volunteer vestry members of the departing congregations have been sued. Dozens more individuals have been sued in related cases. Neither these cases, nor the observations from them, purport to be a complete list of the litigation currently authorized by TEC bishops against individual, volunteer vestry members. Out of the California cases one can draw the following observations:

1. In every one of the lawsuits referenced above, the property has been owned by and held in the name of the parish corporation, a separate legal entity under state law. Thus, while the parish corporations have been properly named as defendants when corporate property is in dispute, there is no legal justification for suing church volunteers for property they do not own.
2. When the Episcopal Diocese of Los Angeles first sued the three dozen vestry members of St. James, Newport Beach, All Saints', Long Beach, and St. David's, North Hollywood in 2004, they sought *punitive damages* against these church volunteers, alleging claims for theft and trespass. The purpose of punitive damages in the American legal system is to punish people for oppressive or malicious illegal behavior where compensatory damages are insufficient given the outrageous nature of the conduct. By making such claims,

TEC and the Dioceses were saying in effect that church volunteers should have their personal bank accounts, savings and homes subject to forfeiture because their vestry vote to move from one branch of the Anglican Communion to another, as a matter of conscience, qualified as unlawful, oppressive or malicious behavior. These claims for punitive damages were ultimately dropped by the Diocese of Los Angeles, but only after defense motions were brought seeking to strike them.

3. In addition to suffering intentional infliction of emotional distress at the possibility of losing their personal assets, individual lay leaders and vestry members sued by TEC and the dioceses have suffered other tangible injuries by the mere filing of these claims. Some are retired on fixed incomes. Some have had to hire financial planners as a result, to help them plan for worst case scenarios. Others have had difficulty in refinancing their homes (as a standard question, banks ask is whether the loan applicant is a defendant in a lawsuit). For the same reasons, others may have difficulty obtaining a security clearance for a new job. Some marriages have been severely strained where the spouse who is not a vestry member becomes anxious or concerned about his or her spouse's role as a defendant in the litigation.

4. Where The Episcopal Church has prevailed in court, they have obtained court judgments against the individual vestry members even though they could have exercised restraint and obtained the same outcome. A good example is St. Luke's, La Crescenta, which grew beyond a simple property dispute into a case about whether the vestry had the legal ability to change the corporation's religious affiliation. Even so, at the end of the case The Episcopal Church could have obtained a judgment that the corporation was still Episcopal, without having judgment entered against each of the individuals that will follow them for the rest of their lives every time a background check or credit report is needed by an employer or bank in the future.

5. Whenever counsel representing the departing congregations have sought to dismiss the individual defendants from a property case, or asked the Episcopal attorneys to dismiss them, they have been ignored or met with delay tactics seeking to prevent the motions from being heard by the court. For example, motions to dismiss the individual vestry members in the St. James, Newport Beach case were brought in the summer of 2009, shortly after it was sent back to the trial court by the California Supreme Court. The Episcopal attorneys have twice argued for continuances, and these motions still had not been heard by the end of 2009.

A lawyer can make an argument or use a tactic to advance the cause of the client provided it is lawful and within the Code of Professional Responsibility. This affords counsel great discretion. But the permissibility of a tactic or a claim does not mean that it should be brought, especially by Christians in court against each other. Ultimately it is the client, not the attorney, who decides who to sue and what claims to bring. It is a reasonable assumption, therefore, that each of the litigation tactics described above was authorized or directed by an Episcopal bishop.

**c. Has litigation become the principal strategy of mission for TEC and its leaders against other Christian ministries?**

The Rt. Rev. John Chane, Bishop of Washington, and others, represented by attorneys from the ACLU and Americans United for the Separation of Church and State, are plaintiffs in a lawsuit against the District of Columbia which alleges that the government's land swap deal with the Central Union Mission (a Christian homeless shelter) unfairly assists the religious ministry because the property it is receiving from the D.C. government is currently valued higher than the property it is giving up. Chane objects to the purported unlawful use of public funds and property to "support the propagation of a religion and the coercion of homeless persons to take part in religious activity."

Respectfully submitted,

Rev. J. Philip Ashey, Esq. (J.D., Loyola 1982) Admissions: The State Bar of California 1982  
Chief Operating Officer, The American Anglican Council

*With Special Thanks to:* Mr. A.S. Haley, Esq. (J.D., Harvard 1970), member and chancellor of Holy Trinity parish, Nevada City, CA, for updates on active litigation and history of Canons IV.9 and IV.10; Mr. Robert Lundy and Ms. Ralinda Gregor of the American Anglican Council, for general editing and verifying the number of clergy deposed or removed; and to the Rev. Dr. Philip Turner for his original article on the Presiding Bishop's misuse of Canon I.17.8 in the Dioceses of San Joaquin which originally appeared on the website of the Anglican Communion Institute.