

The Standing Commission on Constitution and Canons

I. INTRODUCTION

The 65th General Convention in Minneapolis established the Joint Commission on Constitution and Canons, and at the 66th General Convention in Denver the Commission became the Standing Commission on Constitution and Canons. The Commission is charged with 1) approving as to form proposed Constitutional and Canonical amendments when asked to do so by their authors, 2) conducting a continuing “comprehensive review” of the Constitution and Canons and proposing such amendments as seem indicated to insure the “internal clarity and consistency” of the same, and 3) carrying out such specific assignments as might be referred to the Commission by General Convention.

The membership of the Commission is as follows:

The Rt. Rev. Duncan M. Gray, Jr., *Chairman*
The Rt. Rev. Robert M. Wolterstorff
The Rt. Rev. Walter D. Dennis, Jr.
The Rev. Orris G. Walker, Jr.
The Rev. Canon Leopold Damrosch
The Rev. C. Brinkley Morton
Fred C. Scribner, Esq., *Vice Chairman*
George L. McGonigle, *Secretary*
Samuel Francovich
John D. Cochran
Robert Royce
The Hon. Mary Lou Crowley

The Commission met three times during the triennium, and all members participated in our deliberations. All members also concur in this report.

We were happy to have the Rev. Canon James R. Gundrum, Secretary of the General Convention, present at two of our meetings, and we would express our appreciation to him for his assistance and support. During the triennium we have continued to solicit suggestions from diocesan chancellors, and others, concerning changes that need to be made to insure clarity and consistency. We have also dealt with a number of referrals made to the Commission by individuals and by other official bodies of the Church, dealing with each of these as seemed appropriate in the light of our charge from General Convention.

Among the referrals from General Convention was the updating of *Constitution and Canons, Annotated* by White and Dykman, and we hope to have ready for this Convention the first volume of this new publication. We will deal with this in more detail below, but it should be pointed out that this work was supervised and directed by Mr. Fred C. Scribner, the Vice Chairman of the Commission, and he was assisted by Mr. George L. McGonigle and Mr. Robert C. Royce as members of a sub-committee assigned this particular task.

At the suggestion of the Secretary of General Convention, we have included in our report the amendments to the Constitution that were proposed at the last General Convention and upon which final action is to be taken in New Orleans.

One further note: The members of the Commission are painfully aware that our report is a lengthy one and that many of the items included are of little but technical

consequence. However, this is inevitable in a "comprehensive review" such as we are asked to make, and we ask the General Convention's patience and understanding. We hope that we have put the amendments in such a form that they can be acted upon expeditiously, with a minimum use of legislative time in both Houses. In this hope, we submit our report as follows:

II. AMENDMENTS TO THE CONSTITUTION

(Proposed at the General Convention of 1979, and to be acted upon finally at the General Convention of 1982.)

A. "Dioceses, Missionary Dioceses, etc."

The Standing Commission on Constitution and Canons recommends to the 67th General Convention the adoption of the six proposed resolutions hereinafter set forth.

The purpose of these amendments to the Constitution is to eliminate references to missionary dioceses and the term Convocation of the American Churches in Europe since the term *dioceses* when used without qualification in the Constitution is now understood to refer both to dioceses and to missionary dioceses and other jurisdictions entitled to representation in the House of Deputies. This interpretation of the word *dioceses* is to be added to the Constitution by a new Article to be presented to the 67th Convention for adoption.

Resolution #A—2.

Amend Article I, Section 4: **To eliminate reference to missionary dioceses.**

Resolved, the House of _____ concurring, That the following proposed amendment, having been made known to the several Dioceses and Missionary Dioceses and the Convocation of the American Churches in Europe in accordance with Article XI of the Constitution, the 67th General Convention adopt the following amendment to Article I of the Constitution, to wit:

1. Amend the fourth paragraph of Article I, Section 4 by striking therefrom the words "and Missionary Diocese" so that said fourth paragraph will read:

On any question, the vote of a majority of the Deputies present shall suffice, unless otherwise ordered by this Constitution; or, in cases not specifically provided for by the Constitution, by Canons requiring more than a majority; or unless the Clerical or the Lay representation from three or more Dioceses require that the vote be taken by orders. In all cases of a vote by orders, the two orders shall vote separately, each Diocese and Missionary Diocese having one vote in the Clerical order and one vote in the Lay order; and the concurrence of the votes of the two orders shall be necessary to constitute a vote of the House. No action of either order shall pass in the affirmative unless it receives the majority of all votes cast, and unless the sum of all the affirmative votes shall exceed the sum of other votes by at least one whole vote.

Resolution #A—3.

Amend Article VII: **To eliminate reference to missionary dioceses.**

Resolved, the House of _____ concurring, That the following proposed amendment having been made known to the several Dioceses and Missionary Dioceses

and the Convocation of the American Churches in Europe in accordance with Article XI of the Constitution, the 67th General Convention adopt the following amendment to Article VII of the Constitution, to wit:

1. Amend Article VII by striking therefrom the words "and Missionary Dioceses" so that said Article will read:

Dioceses ~~and Missionary Dioceses~~ may be united into Provinces in such manner, under such conditions and with such powers, as shall be provided by Canon of the General Convention; *Provided*, however, that no Diocese shall be included in a Province without its own consent.

Resolution #A—4.

Amend Article II, Sections 3, 7, and 8: To eliminate references to missionary dioceses.

Resolved, the House of _____ concurring, That the following amendments having been made known to the several Dioceses and Missionary Dioceses and the Convocation of the American Churches in Europe in accordance with Article XI of the Constitution, the 67th General Convention adopt the following amendment to Article II of the Constitution, to wit:

1. Amend Section 3 of Article II by striking therefrom wherever used therein the words "or Missionary Diocese" so that said Section 3 as amended will read:

A Bishop shall confine the exercise of his office to his own Diocese ~~or Missionary Diocese~~; unless he shall have been requested to perform episcopal acts in another Diocese ~~or Missionary Diocese~~ by the Ecclesiastical Authority thereof, or unless he shall have been authorized by the House of Bishops, or by the Presiding Bishop at its direction, to act temporarily in case of need within any territory not yet organized into Dioceses ~~or Missionary Dioceses~~ of this Church.

2. Amend the last sentence of Section 7 of Article II by striking the last 16 words thereof so that said last sentence as amended will read:

He shall be eligible as Bishop or Bishop Coadjutor or Suffragan Bishop of a Diocese. ~~or he may be elected by the House of Bishops as Bishop of a Missionary Diocese.~~

3. Amend Section 8 of Article II by striking the words "or Missionary Diocese" in the second line and "or may be elected by the House of Bishops as a Bishop of a Missionary Diocese" in the fourth and fifth lines of this section, so that said section as amended will read:

A Bishop exercising jurisdiction as the Ordinary, or as the Bishop Coadjutor, of a Diocese ~~or Missionary Diocese~~, may be elected as Bishop, Bishop Coadjutor, or Suffragan Bishop, of another Diocese, ~~or may be elected by the House of Bishops as a Bishop of a Missionary Diocese~~; *Provided*, that he shall have served not less than five years in his present jurisdiction; and *Provided always*, that before acceptance of such election he shall tender to the House of Bishops his resignation of his jurisdiction in the Diocese in which he is then serving, subject to the required consents of the Bishops and Standing Committees of the Church, and also, if he be a Bishop Coadjutor, his right of succession therein, and such resignation, and renunciation of the right of succession in the case of a Bishop Coadjutor, shall be consented to by the House of Bishops.

Resolution #A—5.

Amend Article X: To eliminate references to missionary dioceses and the Convocation of the American Churches in Europe.

Resolved, the House of _____ concurring, That the following proposed amendment having been made known to the several Dioceses and Missionary Dioceses and the Convocation of the American Churches in Europe in accordance with Article XI of the Constitution, the 67th General Convention adopt the following amendment to Article X of the Constitution, to wit:

1. Amend the first sentence of the second paragraph of Article X by striking therefrom the words, "and all the Missionary Dioceses and the Convocation of the American Churches in Europe" so that said sentence will read:

But notwithstanding anything hereinabove contained, the General Convention may at any one meeting, by a majority of the whole number of the Bishops entitled to vote in the House of Bishops, and by a majority of the Clerical and Lay Deputies of all the Dioceses entitled to representation in the House of Deputies, ~~and all the Missionary Dioceses and the Convocation of the American Churches in Europe~~, voting by orders as previously laid down in this Article.

Resolution #A—6.

Amend Article XI: To eliminate references to missionary dioceses and the Convocation of the American Churches in Europe.

Resolved, the House of _____ concurring, That, the following proposed amendment having been made known to the several Dioceses and Missionary Dioceses and the Convocation of the American Churches in Europe in accordance with Article XI of the Constitution, the 67th General Convention, adopt the following amendment to Article XI of the Constitution and the renumbering of said Article, to wit:

1. That the present Article XI of the Constitution be renumbered Article XII; and
2. That said Article be amended to read as follows:

No alteration or amendment of this Constitution shall be made unless the same shall be first proposed at one regular meeting of the General Convention and by a Resolve thereof be sent to the Secretary of the Convention of every Diocese, ~~and of the Convocation of every Missionary Diocese and of the Convocation of the American Churches in Europe~~ to be made known to the Diocesan Convention ~~or the Missionary Diocese Convocation or the Convocation of the American Churches in Europe~~ at its next meeting, and be adopted by the General Convention at its next succeeding regular meeting by a majority of all Bishops, excluding retired Bishops not present, of the whole number of Bishops entitled to vote in the House of Bishops, and by a majority of the Clerical and Lay Deputies of all Dioceses ~~and of all Missionary Dioceses and the Convocation of the American Churches in Europe~~ entitled to representation in the House of Deputies, voting by Orders, each having the vote provided for in Sec. 4 of Article I.

Resolution #A—7.

New article proposed to Constitution: Term "diocese" when used without qualification shall include missionary dioceses and all other jurisdictions entitled to representation in the House of Deputies.

Resolved, the House of _____ concurring, That the following proposed amendment having been made known to the several Dioceses and Missionary Dioceses and the Convocation of the American Churches in Europe, in accordance with Article XI of the Constitution, the 67th General Convention adopt the following proposed new Article of the Constitution to be numbered Article XI, to wit:

1. Whenever the term "Diocese" is used without qualification in this Constitution, it shall be understood to refer both to Dioceses and to Missionary Dioceses and also, wherever applicable, to all other jurisdictions entitled to representation in the House of Deputies of the General Convention.

B. Vote for Assistant Bishops.

Resolution #A—8.

Vote for Assistant Bishops.

Resolved, the House of _____ concurring, That the following proposed amendment having been made known to the several Dioceses and Missionary Dioceses and the Convocation of the American Churches in Europe in accordance with Article XI of the Constitution, the 67th General Convention adopt the following amendment to Section 2 of Article I of the Constitution, to wit:

1. Add to Section 2 of Article I of the Constitution the words, "every Assistant Bishop" in the second line after the term "Suffragan Bishop" so that said Article will read:

Each Bishop of this Church having jurisdiction, every Bishop Coadjutor, every Suffragan Bishop, *every Assistant Bishop*, and every Bishop who by reason of advanced age or bodily infirmity, or who, under an election to an office created by the General Convention, or for reasons of mission strategy determined by action of the General Convention or the House of Bishops, has resigned his jurisdiction, shall have a seat and a vote in the House of Bishops. A majority of all Bishops entitled to vote, exclusive of Bishops who have resigned their jurisdiction or position, shall be necessary to constitute a quorum for the transaction of business.

C. Deacons as Deputies.

Resolution #A—9.

Amend Section 4, Article I: To include deacons as deputies.

Resolved, the House of _____ concurring, That, the following proposed amendment having been made known to the several Dioceses and Missionary Dioceses and the Convocation of the American Churches in Europe in accordance with Article XI of the Constitution, the 67th General Convention adopt the following amendment to Section 4 of Article I of the Constitution, to wit:

1. Amend Section 4, Article I by adding the words "or Deacons" in the third line of said Section, so that said Section will read:

The Church in each Diocese which has been admitted to union with the General Convention shall be entitled to representation in the House of Deputies by not more than four ordained persons, Presbyters *or Deacons*, canonically resident in the Diocese, and not more than four Lay Persons, Communicants of this Church, in good standing in the Diocese but not necessarily domiciled in the Diocese; but the General Convention by Canon may reduce the representation to not fewer than two Deputies in each order. Each Diocese shall prescribe the manner in which its Deputies shall be chosen.

D. Admission of New Dioceses.

Resolution #A—10.

Amend Section 1 of Article V: **To change procedure for admission of new dioceses.**

Resolved, the House of _____ concurring, That the following proposed amendments having been made known to the several Dioceses and Missionary Dioceses and the Convocation of the American Churches in Europe in accordance with Article XI of the Constitution, Section 1 of Article V of the Constitution, the 67th General Convention adopt the following amendments to Article V of the Constitution, to wit:

1. Add the word “existing” before the word “Dioceses” where such word first appears in the second sentence of Section 1 of Article V, and strike the last sentence of said Section and substitute a new sentence therefor, so that said Section 1 as amended will read:

ARTICLE V.

Sec. 1 A new Diocese may be formed, with the consent of the General Convention and under such conditions as the General Convention shall prescribe by General Canon or Canons, (1) by the division of an existing Diocese; (2) by the junction of two or more Dioceses or of parts of two or more Dioceses; or (3) by the erection into a Diocese of an unorganized area evangelized as provided in Article VI. The proceedings shall originate in a Convocation of the Clergy and Laity of the unorganized area called by the Bishop for that purpose; or, with the approval of the Bishop, in the Convention of the Diocese to be divided; or (when it is proposed to form a new Diocese by the junction of two or more *existing* Dioceses or of parts of two or more Dioceses), by mutual agreement of the Conventions of the Dioceses concerned, with the approval of the Bishop of each Diocese. In case the Episcopate of a Diocese be vacant, no proceedings toward its division shall be taken until the vacancy is filled. ~~When it shall appear to the satisfaction of the General Convention, by a certified copy of the proceedings and other documents and papers laid before it, that all the conditions for the formation of the new Diocese have been complied with and that it has acceded to the Constitution and Canons of this Church, such new Diocese shall thereupon be admitted to union with the General Convention.~~ *After consent of the General Convention, when a certified copy of the duly adopted Constitution of the New Diocese, including an unqualified accession to the Constitution and Canons of this Church, shall have been filed with the Secretary of the General Convention and approved by the Executive Council of this Church, such new Diocese shall thereupon be in union with the General Convention.*

III. NEW PROPOSALS TO AMEND THE CONSTITUTION

A. “Dioceses, Missionary Dioceses, etc.”

The four following proposals to amend the Constitution present, in redrafted and amended forms, amendments to the Constitution which were given first passage at the 66th General Convention. The following proposals if adopted will come before the 68th General Convention for final passage. The proposals given first passage at the 66th General Convention, and which are now being replaced by the four following proposals, will not be presented to the 67th General Convention for adoption.

Resolution #A—11.

Amendment to Article I, Section 4: To eliminate references to missionary dioceses.

Resolved, the House of _____ concurring, That the first two paragraphs of Article I, Section 4 of the Constitution shall be stricken and a new paragraph be substituted therefor, as follows:

~~The Church in each Diocese which has been admitted to union with the General Convention shall be entitled to representation in the House of Deputies by not more than four Presbyters, canonically resident in the Diocese, and not more than four Lay Persons, communicants of this Church, having domicile in the Diocese; but the General Convention by Canon may reduce the representation to not fewer than two Deputies in each order. Each Diocese shall prescribe the manner in which its Deputies shall be chosen.~~

~~The Church in each Missionary Diocese beyond the territory of the United States of America, which shall have been established by the House of Bishops or by the Constitution, and the Convocation of the American Churches in Europe, shall each be entitled to representation in the House of Deputies equal to that of other Dioceses, subject to all the qualifications and with all the rights, of Deputies, except as otherwise provided in this Constitution. Each such Missionary Diocese, and the Convocation of the American Churches in Europe, shall prescribe the manner in which its Deputies shall be chosen.~~

The Church in each Diocese which has been admitted to union with the General Convention, and the Convocation of the American Churches in Europe, shall be entitled to representation in the House of Deputies by not more than four ordained persons, Presbyters or Deacons, canonically resident in the Diocese and not more than four Lay Persons, communicants of this Church, in good standing, in the Diocese but not necessarily domiciled in the Diocese; but the General Convention by Canon may reduce the representation to not fewer than two Deputies in each order. Each Diocese, and the Convocation of the American Churches in Europe, shall prescribe the manner in which its Deputies shall be chosen.

Resolution #A—12.

Amendment to Article III: To eliminate references to missionary dioceses.

Resolved, the House of _____ concurring, That Article III of the Constitution be amended by striking from said Article III the words "or Missionary Diocese" and "Missionary," so that said Article III will read:

Bishops may be consecrated for foreign lands upon due application therefrom, with the approbation of a majority of the Bishops of this Church entitled to vote in the House of Bishops, certified to the Presiding Bishop; under such conditions as may be prescribed by Canons of the General Convention. Bishops so consecrated shall not be eligible to the office of Diocesan or of Bishop Coadjutor of any Diocese in the United States or be entitled to vote in the House of Bishops, nor shall they perform any act of the episcopal office in any Diocese ~~or Missionary Diocese~~ of this Church, unless requested so to do by the Ecclesiastical Authority thereof. If a Bishop so consecrated shall be subsequently duly elected as a Bishop of a ~~Missionary~~ Diocese of this Church he shall then enjoy all the rights and privileges given in the Canon to such Bishops.

Resolution #A—13.

Amendment to Article VIII: **To eliminate reference to missionary dioceses.**

Resolved, the House of _____ concurring, That Article VIII of the Constitution be amended by striking from said Article VIII the words “or Missionary Diocese,” so that said Article VIII will read:

No person shall be ordered Priest or Deacon to minister in this Church until he shall have been examined by the Bishop and two Priests and shall have exhibited such testimonials and other requisites as the Canons in that case provided may direct. No persons shall be ordained and consecrated Bishop, or ordered Priest or Deacon to minister in this Church, unless at the time, in the presence of the ordaining Bishop or Bishops, he shall subscribe and make the following declaration:

“I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God, and to contain all things necessary to salvation; and do solemnly engage to conform to the Doctrine, Discipline, and Worship of the Episcopal Church.”

Provided, however, that any person consecrated a Bishop to minister in any Diocese ~~or Missionary Diocese~~ of an autonomous Church or Province of a Church in communion with this Church may, instead of the foregoing declaration, make the promises of Conformity required by the Church in which he is to minister.

If any Bishop ordains a Priest or Deacon to minister elsewhere than in this Church, or confers ordination as Priest or Deacon upon a Christian minister who has not received Episcopal ordination, he shall do so only in accordance with such provisions as shall be set forth in the Canons of this Church.

No person ordained by a foreign Bishop, or by a Bishop not in communion with this Church, shall be permitted to officiate as a Minister of this Church until he shall have complied with the Canon or Canons in that case provided and also shall have subscribed the aforesaid declaration.

Resolution #A—14.

Amendment to Article X: **To eliminate references to missionary dioceses and the Convocation of the American Churches in Europe.**

Resolved, the House of _____ concurring, That Article X of the Constitution be amended by striking therefrom references to Missionary Dioceses and the Convocation of American Churches in Europe, so that said Article X will read:

The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, together with the Psalter or Psalms of David, the Form and Manner of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons, the Form of Consecration of a Church or Chapel, the Office of Institution of Ministers, and Articles of Religion, as now established or hereafter amended by the authority of this Church, shall be in use in all the Dioceses ~~and Missionary Dioceses, and in the Convocation of the American Churches in Europe,~~ of this Church. No alteration thereof or addition thereto shall be made unless the same shall be first proposed in one regular meeting of the General Convention and by a Resolve thereof be sent within six months to the Secretary of the Convention of every Diocese ~~and of the Convocation of every Missionary Diocese and of the Convocation of the American Churches in Europe,~~ to be made known to the Diocesan Convention ~~or Convocation of the Missionary Diocese or of the Convocation of the American Churches in Europe,~~ at its next meeting, and be

adopted by the General Convention at its next succeeding regular meeting by a majority of all Bishops, excluding retired Bishops not present, of the whole number of Bishops entitled to vote in the House of Bishops, and by a majority of the Clerical and Lay Deputies of all the Dioceses entitled to representation in the House of Deputies ~~and all the Missionary Dioceses, and of the Convocation of the American Churches in Europe~~, voting by orders, each to have the vote provided for in Article I, Sec. 4.

But notwithstanding anything hereinabove contained, the General Convention may at any one meeting, by a majority of the whole number of the Bishops entitled to vote in the House of Bishops, and by a majority of the Clerical and Lay Deputies of all the Dioceses entitled to representation in the House of Deputies, ~~and all the Missionary Dioceses, and the Convocation of the American Churches in Europe~~, voting by orders as previously laid down in this Article:

- (a). Amend the Table of Lessons and all Tables and Rubrics relating to the Psalms;
- (b). Authorize for trial use throughout this Church, as an alternative at any time or times to the established Book of Common Prayer or to any section or Office thereof, a proposed revision of the whole Book or of any portion thereof, duly undertaken by the General Convention.

And *Provided*, that nothing in this Article shall be construed as restricting the authority of the Bishops of this Church to take such order as may be permitted by the Rubrics of the Book of Common Prayer or by the Canons of the General Convention for the use of special forms of worship.

B. Clarifying Language.

Resolution #A—15.

Amendments to Article II, Section 4 and Section 7: **To provide clarifying language.**

Resolved, the House of _____ concurring, That Article II of the Constitution be amended as hereinafter provided:

1. Add the words "for election" to the last sentence of Section 4 of Article II so said sentence will read:

He shall be eligible *for election* as Bishop or Bishop Coadjutor of a Diocese or as a Suffragan in another Diocese ~~or may be elected by the House of Bishops as a Bishop of a Missionary Diocese.~~

2. Add the words "for election" to the last sentence of Section 7 of Article II, so said sentence will read:

He shall be eligible *for election* as Bishop or Bishop Coadjutor or Suffragan Bishop of a Diocese ~~or he may be elected by the House of Bishops as a Bishop of a Missionary Diocese.~~

C. Translation of Bishops.

The reference in Section 8 of Article II of the Constitution, which permits translation of bishops, to "required consents of the Bishops and Standing Committees of the Church" has caused some uncertainty as to what it is to which such consents are required. The history of the section makes it clear that the reference is to consents of the bishops and standing committees to the election of the bishop in the second diocese, so that the

resignation which the bishop is required by the section to tender is a qualified one (effective only in the event the necessary consents to the election in the second diocese are obtained) such that it does not result in relinquishment of the original episcopal office in the event the election in the second diocese fails for lack of the required consents by the bishops and standing committees of the Church. The consent required to the resignation of the bishop is only that of the House of Bishops, as provided in the last line of the section. To clarify the language of the section the Commission recommends adoption of the following resolution:

Resolution #A—16.

Resolved, the House of _____ concurring, That Article II, Section 8 of the Constitution be amended to read as follows:

Sec. 8. A Bishop exercising jurisdiction as the Ordinary, or as the Bishop Coadjutor, of a Diocese, may be elected as Bishop, Bishop Coadjutor, or Suffragan Bishop, of another Diocese; *Provided*, that he shall have served not less than five years in his present jurisdiction; and *Provided always*, that before acceptance of such election he shall tender to the House of Bishops his resignation of his jurisdiction in the Diocese in which he is then serving, ~~subject to~~ *conditioned on* the required consents of the Bishops and Standing Committees of the Church *to his election*, and also, if he be a Bishop Coadjutor, his right of succession therein, and such resignation, and renunciation of the right of succession in the case of a Bishop Coadjutor, shall be consented to by the House of Bishops.

D. Clarification of Vote by Orders.

There are provisions for a vote by orders in the House of Deputies in Section 5 of Article I of the Constitution and also in Section 2 of Article VI, in Article X and Article XI. These provisions have been written and amended at various times and contain inconsistencies and a lack of clarity. It is believed that much of the mystique of the vote by orders which has engendered suspicion and dispute will be dispelled by clear and consistent provisions in each of the Articles. No substantive change in the provisions is made.

Resolution #A—17.

Resolved, the House of _____ concurring, That Article I of the Constitution be amended by deleting the fourth paragraph of Section 4, adding a new Section 5 reading as follows:

Sec. 5. *The vote on all questions which come before the House of Deputies shall be governed by the following provisions, supplemented by such procedural provisions as the House of Deputies may adopt in its Rules of Orders:*

Unless a greater vote on any question is required by this Constitution or by the Canons in cases not specifically dealt with by this Constitution or unless a vote by orders on a question is required, the affirmative vote of a majority of all of the Deputies present and voting shall suffice to carry any question.

A vote by orders on any question shall be taken if required for that question by this Constitution or by the Canons or if the Clerical or Lay representation from three or more separate Dioceses shall so request at the time of the call for the vote on that question. In all cases of a vote by orders, the vote of each order, Clerical and Lay, shall be counted separately, each order in each Diocese shall have one vote, and a vote in the affirmative by an order in a Diocese shall require the

affirmative vote of a majority of the Deputies present in that order in that Diocese.

To carry in the affirmative any question being voted on by orders requires concurrence in the affirmative by both orders and, unless a greater vote is required by this Constitution or by the Canons in cases not specifically dealt with by this Constitution, concurrence in the affirmative by an order requires the affirmative vote in that order by a majority of the Dioceses. 1
and renumbering Sec. 5 and 6 as Sec. 6 and 7.

Resolution #A—18.

Resolved, the House of _____ concurring, That Sec. 2 of Article VI of the Constitution be amended to read as follows:

Sec. 2. The General Convention may accept a cession of the territorial jurisdiction of a part of a Diocese when such cession shall have been proposed by the Bishop and the Convention of such Diocese, and consent thereto shall have been given by three-fourths of the Parishes in the ceded territory, and also by the same ratio of the Parishes within the remaining territory.

Any territorial jurisdiction or any part of the same, which may have been ceded by a Diocese under the foregoing provision, may be retroceded to the said Diocese by such joint action of all the several parties as is herein required for its cession, save that in the case of retrocession of territory the consent of Parishes within the territory retroceded shall not be necessary; *Provided* that such action of the General Convention, whether of cession or retrocession, shall be by a vote of two-thirds of all the Bishops present and voting and by a vote ~~of two-thirds of the House of Deputies voting by orders~~ *by orders in the House of Deputies in accordance with Article I, Section 5, except that concurrence by the orders shall require the affirmative vote in each order by two-thirds of the Dioceses.*

Resolution #A—19.

Resolved, the House of _____ concurring, That the first paragraph of Article X of the Constitution be amended to read as follows:

ARTICLE X.

The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, together with the Psalter or Psalms of David, the Form and Manner of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons, the Form of Consecration of a Church or Chapel, the Office of Institution of Ministers, and Articles of Religion, as now established or hereafter amended by the authority of this Church, shall be in use in all the Dioceses ~~and Missionary Dioceses, and in the Convocation of the American Churches in Europe,~~ of this Church. No alteration thereof or addition thereto shall be made unless the same shall be first proposed in one regular meeting of the General Convention and by a Resolve thereof be sent within six months to the Secretary of the Convention of every Diocese ~~and of the Convocation of every Missionary Diocese and of the Convocation of the American Churches in Europe,~~ to be made known to the Diocesan Convention ~~or Convocation of the Missionary Diocese or of the Convocation of the American Churches in Europe,~~ at its next meeting, and be adopted by the General Convention at its next succeeding regular meeting by a majority of all Bishops, excluding retired Bishops not present, of the whole number of Bishops entitled to vote in the House of Bishops, and by *an affirmative vote by*

~~orders in the House of Deputies in accordance with Article I, Section 5 a majority of the Clerical and Lay Deputies of all the Dioceses entitled to representation in the House of Deputies, and all the Missionary Dioceses, and of the Convocation of the American Churches in Europe, voting by orders, each to have the vote provided for in Article I, Sec. 4.~~

Resolution #A—20.

Resolved, the House of _____ concurring, That the first paragraph of Article XI of the Constitution be amended to read as follows:

ARTICLE XI¹

No alteration or amendment of this Constitution shall be made unless the same shall be first proposed at one regular meeting of the General Convention and by a Resolve thereof be sent to the Secretary of the Convention of every Diocese ~~and of the Convocation of every Missionary Diocese and of the Convocation of the American Churches in Europe~~, to be made known to the Diocesan Convention ~~or the Missionary Diocese Convocation or the Convocation of the American Churches in Europe~~ at its next meeting, and be adopted by the General Convention at its next succeeding regular meeting by a majority of all Bishops, excluding retired Bishops not present, of the whole number of Bishops entitled to vote in the House of Bishops, and by an affirmative *vote by orders in the House of Deputies in accordance with Article I, Section 5* ~~majority of the Clerical and Lay Deputies of all the Dioceses and of all the Missionary Dioceses and the Convocation of the American Churches in Europe entitled to representation in the House of Deputies, voting by orders, each having the vote provided for in Sec. 4 of Article I.~~

IV. Other Referrals from General Convention

A. Assistant Ministers.

The 66th General Convention asked the Standing Commission on Constitution and Canons to produce a Canon reflecting the following concerns regarding assistant ministers:

- (1) The common practice in the Episcopal Church has been for the rector to select and appoint assistant ministers with the concurrence of the vestry.
- (2) Title III, Canon 21, Sec. 1(c), as presently written, seems to imply that there is another way of selecting assistant ministers.
- (3) The rector's authority to choose the title for assistant ministers is not always understood.
- (4) The rector's responsibility to dissolve the pastoral relationship of the assistant ministers with the parish is not described in the Canons.
- (5) There is an increase in the number of clergy, thus making it possible for more positions as assistant ministers to be created for non-stipendiary and other members of the clergy.
- (6) In addition the Commission felt that there was sufficient concern in the Church regarding the position of assistant ministers who remain in a parish after the rector

¹If the amendment to the Constitution inserting a new Article XI and renumbering present Article XI is approved at this Convention and becomes effective, this number should be changed to Article XII.

has resigned, that any revision of the Canons ought to take this situation into account.

Instead of creating a new canon on assistant ministers the Commission felt that an amendment to Title III, Canon 21, Section 1 — “Of Ministers and Their Duties”— was the best way of handling our charge. A new sub-section (b) has been written utilizing existing canonical language and incorporating the concerns of the resolution passed at the 66th General Convention.

Resolution #A—21.

Resolved, the House of _____ concurring, That Title III, Canon 21, Section 1 be amended to read as follows:

Sec. 1(a). The control of the worship and the spiritual jurisdiction of the Parish, are vested in the Rector, subject to the Rubrics of the Book of Common Prayer, the Canons of the Church, and the godly counsel of the Bishop. ~~All other Ministers of the Parish, by whatever name they may be designated, are to be regarded as under the authority of the Rector.~~

(b) *All assistant Ministers of the Parish by whatever name they may be designated, shall serve under the authority and direction of the Rector. Prior to the selection of any assistant Minister, the name of the member of the Clergy proposed for selection shall be made known to the Bishop and sufficient time, not exceeding thirty days, shall be given for the Bishop to communicate with the ~~Fellow~~ on such selection. Any assistant Minister selected shall serve at the discretion of the Rector but may not serve beyond the period of service of the Rector except that, pending the call of a new Rector, such assistant Minister may continue in the service of the Parish if requested to do so by the Vestry of the Parish and under such conditions as the Bishop and Vestry shall determine.*

~~(c) In case of the election of an Assistant Minister the name of the Clergyman whom it is proposed to elect shall be made known to the Bishop and sufficient time, not exceeding thirty days, shall be given him to communicate with the Rector and Vestry thereon.~~

(c) For the purposes of his office and for the full and free discharge of all functions and duties pertaining thereto, the Rector shall, at all times, be entitled to the use and control of the Church and Parish buildings with the appurtenances and furniture thereof.

(d) In a Missionary Cure the control and responsibility belong to the Priest who has been duly appointed to the charge thereof, subject to the authority of the Bishop.

B. Courts of Review and Court Procedures.

The Standing Commission on Constitution and Canons *inter alia* was directed by concurrent Resolution D-32 to study the advisability of (b) a National Court of Review to hear appeals from presbyters and deacons from trials by ecclesiastical courts of the dioceses, (c) some uniform system of review (if requested) of the sentences by ecclesiastical authorities where there were no trials, and (d) some means of providing bishops, presbyters and deacons with the necessary charges and expenses of their appeals and reviews.

The direction for this report arose out of questions of the advisability of substituting for the several Provincial Courts of Review a single National Court of Review to hear appeals by presbyters and deacons from trials by ecclesiastical courts of the dioceses; the advisability of instituting procedures whereby a presbyter or deacon, voluntarily or

involuntarily suspended, removed or deposed by the ecclesiastical authority without a trial, could receive a review of his sentence or the action taken on his application for remission of such sentence; and the advisability of providing bishops, presbyters and deacons with the necessary charges and expenses of their appeals and reviews.

(1) A National Court of Review:

Pursuant to Article IX of the Constitution:

“The General Convention, in like manner, may establish or may provide for the establishment of Courts of Review of the determination of diocesan or other trial Courts.”

This Article has been implemented by Canon IV.3. 2.-13., which essentially provides for the determination and hearing of appeals from decisions of trial courts in dioceses on trials of presbyters or deacons by a Provincial Court of Review.

The question of the establishment of a National Court of Review has been raised often and considered extensively by the General Conventions of this Church (c.f. *Annotated Constitutions and Canons*, White & Dykman; Vol. I, pp. 108-120, and Vol. II, pp. 309-317).

In short, the primary argument in favor of such a National Court is to provide uniformity in interpretation throughout the Church, so that the same question of doctrine cannot be decided in as many ways as there are Provincial Courts of Review.

This proposition has consistently been rejected by the General Conventions of the Church.

The theoretical argument is answered on pragmatic and expedient grounds, and on the ground that ample protection for the clergy for due process and appellate review of trial convictions already exists.

In light of the few instances of trial court convictions and infrequency of appellate reviews, the establishment of a National Court of Review would entail the expenditure of personnel and fiscal resources for a theoretical problem of inconsistent interpretation. This theoretical problem has not appeared to have arisen substantially since the 1904 enactment of the Canon establishing the Provincial Courts of Review.

As to the question of denial of due process to presbyters and deacons, it must be stated that, if convicted by a trial court, the accused has an absolute right of appeal to a previously constituted Provincial Court of Review (IV.3.6). Only upon questions of the Church's doctrine, faith or worship, and only upon the written request of at least two bishops of other jurisdictions within the province may an appeal from the acquittal of the accused be taken.

Thus, no presbyter or deacon need face an appeal from an acquittal except on this limited ground.

The other offenses for which presentment and trial arise (IV.1.1(1),(3)-(8)) primarily require determinations of fact (which is the jurisdiction of a trial court) and the application of the formularies of the corpus of the law of the Church.

Should inconsistencies in the interpretation of the doctrine, faith and worship of the Church arise so as to concern the General Convention, Article IX of the Constitution provides:

“The General Convention, in like manner, may establish an ultimate Court of Appeal, solely for the review of the determination of any Court of Review on questions of Doctrine, Faith or Worship.”

As the General Convention meets not less than once in each three years, it is highly unlikely that conflicting determinations could arise from trial courts and in the appellate system in a three-year period so as to cause such confusion or uncertainty as to interpretations of doctrine, faith or worship.

(2) Review of Sentences Imposed Without Trial:

The question posed to the Commission requires clarification:

- (a) There is no involuntary removal, as removal is a sentence imposed where there has been a voluntary renunciation (IV.12.1).
- (b) There is no voluntary suspension as suspension is either a sentence after trial (IV.12.1) or after a waiver and submission is entered by the accused.
- (c) There is no voluntary deposition as deposition is imposed either
 - (i) as a sentence after trial; or
 - (ii) where a waiver and submission is entered by the accused; or
 - (iii) where there has been a renunciation in cases of misconduct or irregularity on the part of the minister; or
- (d) in a case of abandonment of the communion of this Church. (IV.12.1)

Accordingly, there only appear to be three instances where a sentence of deposition may be imposed without a trial:

- (a) Where a minister has absented himself from the diocese or abandoned the work of the ministry (IV.11.2(d));
- (b) Where a minister has renounced or where there may be questions of misconduct or irregularity (IV.8.1); or
- (c) Where a minister has abandoned the communion of this Church (IV.10.2).

In the first instance, a trial is highly improbable as a minister whose whereabouts are unknown or who has failed to file reports for ten years is not likely to be located or presented for trial.

In the second instance, the bishop may only proceed to depose with the consent of the Standing Committee; thus, there is a duly constituted body to consider independently whether or not there is a question of misconduct or irregularity. Further, a renouncing minister facing deposition, as opposed to removal, could arrange for a presentment to insure trial by a diocesan trial court, thus avoiding deposition, until conviction by a trial court, for causes affecting moral character.

As to the third instance, an adversarial system of law supposes that each side cares about the outcome of the controversy.

The abandonment of communion proceeding is commenced by a majority of the Standing Committee with a certification and statement of the acts and declarations of abandonment.

After notice, the minister has six months within which to retract the alleged acts or declare the alleged facts to be false. [Note: Notice shall be served personally or by registered mail, addressed to or left at the last known place of residence or abode, respectively. (IV.2.3)]

Such retractions or declarations would appear to terminate the proceeding. In the event that this not be done in good faith, presentment could be considered for canonical offenses.

This administrative procedure attempts to balance the opportunity for the minister to protect his interests against the integrity of the corporate body. If a trial were a requirement of the Canons in abandonment cases, the Church would be in the odd position of providing a forum within which one having no concern for the well being of the Church could use the forbearance and good will of the Church in an attempt to discredit the Church.

An appellate review of an uncontested deposition would appear to be meaningless.

As to a review of remissions of sentences, such remissions require the advice and consent of two-thirds of all members of the Standing Committee after a suspension; or in

cases of removal or deposition, with the advice and consent of two-thirds of all of the members of the Standing Committee *and* with the approval from at least four of five bishops whose dioceses are nearest. This is a substantial and balanced review procedure prior to remission.

(3) Provision for Expenses of Appeals:

The Commission is not aware of any instance where the expense of the appeal of a trial court conviction has either been a personal burden to the appellant or a barrier to an appeal.

The president of the Court of Review may dispense with the printing of the record (IV.3.9), thus relieving the individual appellant of this expense. The Court could order a record of the trial within its discretion and at its expense (IV.3.24).

As to the other legal expenses of the appellant (which could be the ecclesiastical authority in matters of doctrine, faith or worship), each party in interest shall bear the respective expenses.

Recommendations:

The Standing Commission on Constitution and Canons recommends to the 67th General Convention that:

- (1) It is inadvisable to substitute for Provincial Courts of Review a National Court of Review to hear appeals from presbyters and deacons from trials by ecclesiastical courts of the dioceses;
- (2) It is inadvisable to institute any further systems of review of sentences of presbyters and deacons and actions taken on application for remission of such sentences where there are no trials; and
- (3) That the Commission does not favor an action of the General Convention of assuring the expenses of bishops, presbyters and deacons with the necessary charges and expenses of their appeals and reviews.

C. Alternative to Deposition.

The 66th General Convention asked the Standing Commission on Constitution and Canons to explore possible alternatives to deposition for those clergy who “for reason of conscience, have come to exercise their ministry in another Communion.”

The Commission feels that such an alternative already exists under the provisions of Canon IV.8. However, to extend further the possibilities of using this alternative, we are proposing an amendment to Canon IV.10, Section 2.

The amendment does two things. It permits, but does not require, a bishop to let a minister inhibited under Section 1 of Canon IV.10 avail himself of Canon IV.8 during the six-month period of inhibition. If he does so and the bishop’s pronouncement under Canon IV.8 is made within the six-months period, action Canon IV.10 is ended.

Secondly, it permits a bishop, where only abandonment is involved and not any irregularity of misconduct, to use under Canon IV.10 an alternative to strict deposition similar to the pronouncement under Canon IV.8.

Resolution #A—22.

Resolved, the House of _____ concurring, That Canon IV.10, Sec. 2 is amended to read as follows:

Sec. 2. ~~If such retraction or declaration be not made within six months~~ Prior to the expiration of the six-months period of inhibition, the Bishop may permit such Presbyter or Deacon to utilize the provisions of Canon IV.8. If, however, within such six-months period, the Bishop does not pronounce acceptance of the

renunciation of such Minister in accordance with Canon IV.8. or such Minister does not make such retraction or declaration in accordance with notice given under Sec. 1, then it shall be the duty of the Bishop either (i) to depose such Minister from the Ministry and to pronounce and record, in the presence of two or more Presbyters, that he has been so deposed or (ii) if the Bishop is satisfied that no irregularity or misconduct is involved, to pronounce and record, in the presence of two or more Presbyters, that such Minister is deprived of the right to exercise the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordination for causes which do not affect the person's moral character.

D. White and Dykman.

A major portion of the work done by this Commission during the past triennium had to do with putting together a new, updated, two-volume edition of *Constitution and Canons, Annotated* by White and Dykman. The Commission had done some preliminary work in this matter during the previous triennium, and the 66th General Convention directed us to follow it through to completion. It is our earnest hope that at least the first volume of this new publication will be available when the General Convention convenes in New Orleans, and the second volume should follow close behind.

We are indebted primarily to Mr. Fred C. Scribner, Chancellor of the Diocese of Maine, for supervising and directing this project. He has donated generously of his time, energy, and remarkable talents, for nearly six years, and our Commission is deeply grateful to him. We are grateful also to the other members of the White and Dykman sub-committee, Mr. George C. McGonigle and Mr. Robert C. Royce who worked along with him.

Literally scores of people throughout the Church helped with one portion or another of this publication, and we hope to accord each such person proper recognition in the completed work. However, at this time we would like to mention just a few who played extremely important roles.

First, there is the Rev. Canon Charles M. Guilbert who, along with his daughter Mrs. Elizabeth G. Jennings, reviewed for the Commission all amendments to the Constitution and Canons from 1954 through 1979, and thereby provided us with the basic information upon which all the other work depends. Secondly, we would like to mention the Rev. Powel Mills Dawley, Ph.D., Professor Emeritus of the General Theological Seminary, who has provided virtually all of the commentary on the Constitution. Without the good services of these three, we could not have done the work.

We are also very fortunate to have Mr. Howard Galley working with us on behalf of our publisher, the Seabury Press. Mr. Galley has given us enthusiastic support and cooperation, and he has also made many meaningful contributions to the total text. On behalf of the entire Commission, we would like to express our appreciation to him.

Finally, we would like to take note of those who have helped in a very special way to finance this project. We reported in Denver the gift of \$10,000 from the Trustees of the George Mercer Jr. Memorial School of Theology of Long Island, New York, and we want to express our gratitude once again to that body. During the current triennium, we have received promises of additional gifts of \$10,000 each from three congregations in Indianapolis, Indiana: Trinity Church, St. Paul's Church, and Christ Church Cathedral. As a result of the generosity of these large donors, along with a much larger number of smaller gifts, we believe that we will be able to provide the new two-volume set of White and Dykman at a very reasonable price. The exact figure will be determined after this report has gone to press, but we want to acknowledge with deep gratitude those who have made this possible.

V. COMPREHENSIVE REVIEW—CONTINUED

A. Assistant Bishops as Members of Provincial Synods.

In the event that the proposed revision of Article I, Sec. 2 of the Constitution is adopted at the 1982 General Convention, it would seem appropriate to amend Title I, Canon 8, Section 5 so as to provide that assistant bishops should be members of the provincial synods along with bishops, bishops coadjutor and suffragan bishops.

Resolution #A—23.

Resolved, the House of _____ concurring, That Title I, Canon 8, Section 5 be amended to read as follows:

Sec. 5. Every Bishop of this Church, having jurisdiction within the Province, every Bishop Coadjutor, ~~and~~ Suffragan Bishop, *and Assistant Bishop*, and every Bishop whose episcopal work has been within the Province, but who by reason of advanced age or bodily infirmity has resigned, shall have a seat and vote in the House of Bishops of the Province.

B. Domicile of Lay Deputies to the Provincial Synod.

Article I, Sec. 4 of the Constitution permits lay deputies to be domiciled in a diocese other than the one which they represent. The proposed amendment (below) to Title I, Canon 8, Sec. 7 deletes the words "having domicile" and substitutes the words "in good standing in the Diocese, but not necessarily domiciled." Eligibility to serve as a lay deputy to Provincial Synod would then be the same as for a lay deputy to General Convention.

Resolution #A—24.

Resolved, the House of _____ concurring, That Title I, Canon 8, Section 7 be amended to read as follows:

Sec. 7. Each Diocese within the Province shall be entitled to representation in the Provincial House of Deputies by Presbyters or Deacons canonically resident in the Diocese, and Lay Persons, communicants of this Church ~~having domicile in good standing in the Diocese, but not necessarily domiciled~~ in the Diocese, in such number as the Provincial Synod, by Ordinance, may provide. Each Diocese shall determine the manner in which its Deputies shall be chosen.

C. Documentation Incident to the Election of a Bishop.

The first paragraph of Title III, Canon 14, Sec. 1(c) presently requires, in the case of the election of a bishop more than three months before the meeting of the General Convention, that there be circulated to the standing committees of the several dioceses a certificate of election, and copies of evidence of the bishop-elect's having been duly ordered deacon and priest, of a medical certificate, and of a testimonial in the form prescribed in Sec. 1(a) of the Canon, bearing a certificate by the Secretary of the Convention that it has been signed by a constitutional majority thereof. By the following amendment there is substituted for circulation of the last three documents inclusion in the certification of election by the Secretary of the electing Convention of a statement that the evidence of ordination as deacon and priest and the certificates as to mental and physical examination have been received and that the prescribed testimonial has been signed by a constitutional majority of the Convention.

The proposed amendment to the second paragraph of Title III, Canon 14, Sec. 1(c)

eliminates archaic language from the form of the testimonial signed by standing committees as evidence of their consent to the election of a bishop while retaining the disclaimer of knowledge of any impediment to the ordination and consecration of the bishop-elect. The Commission recommends the adoption of the following resolution:

Resolution #A—25.

Resolved, the House of _____ concurring, That Title III, Canon 14, Sec. 1(c) be amended to read as follows:

(c) If the election of a Bishop shall have taken place more than three months before the meeting of the General Convention, the Standing Committee of the Diocese electing shall, by their President, or by some person or persons specially appointed, immediately send *to the Standing Committees of the several Dioceses* a certificate of the election ~~to the Standing Committees of the several Dioceses together with copies of the necessary testimonials and other documents, including the medical certificate as required in Sec. 1(a) of this Canon by the Secretary of Convention of the Diocese, bearing a statement that evidence of the Bishop-elect's having been duly ordered Deacon and Priest and the certificates as to mental and physical examination as required in Sec. 1(a) of this Canon have been received and that a testimonial in the form set out in Sec. 1(a) of this Canon has been signed by a constitutional majority of the Convention;~~ and if a majority of the Standing Committees of all the Dioceses shall consent to the consecration of the Bishop-elect, the Standing Committee of the Diocese electing shall then forward the evidence of said consent, with the other necessary ~~testimonial~~ *documents described in Sec. 1(a) of this Canon*, to the Presiding Bishop, who shall immediately communicate the same to every Bishop of this Church having jurisdiction, and if a majority of such Bishops shall consent to the consecration, the Presiding Bishop shall, without delay, notify such consent to the Standing Committee of the Diocese electing and to the Bishop-elect, and upon notice of his acceptance of the election, the Presiding Bishop shall take order for the consecration of said Bishop-elect either by himself or the President of the Province of which the Diocese electing is a part and two other Bishops of this Church, or by any three Bishops of this Church to whom he may communicate the testimonials.

The evidence of the consent of the several Standing Committees shall be a testimonial in the following words, signed by a majority of the Standing Committees of all the Dioceses:

“We, being a majority of all the members of the Standing Committee of _____, and having been duly convened at _____, fully sensible how important it is that the Sacred Order and Office of a Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality or affection, do, in the presence of Almighty God, testify that ~~the Reverend A. B. is not, so far as we are informed, justly liable to evil report, either for error in religion or for viciousness of life; and that we know of no impediment on account of which he the Reverend A.B. ought not to be ordained and consecrated to that Holy Office.~~

In witness whereof, we have hereunto set our hands this _____ day of _____ in the year of our Lord _____.
 (Signed) _____”

If the Presiding Bishop shall not have received the consent of a majority of the Bishops within three months from the date of his notice to them, he shall then give notice of such failure to the Standing Committee of the Diocese electing.

D. Deputies' Credentials.

To dispense with sending a duplicate copy of the testimonials of members of the General Convention to the host diocese, which no longer makes housing arrangements for the members, and to provide that copy to the Secretary of the House of Deputies, the Commission recommends adoption of the following resolution:

Resolution #A—26.

Resolved, the House of _____ concurring, That Title I, Canon 1, Sec. 1(c) be amended to read as follows:

(c) In order to aid the Secretary in preparing the record specified in Clause (a), it shall be the duty of the Secretary of the Convention of every Diocese to forward to him, as soon as may be practicable, a copy of the latest Journal of the Diocesan Convention, together with a certified copy of the testimonials of members aforesaid, *and a duplicate copy of such testimonials.* ~~He shall also forward a duplicate copy of such testimonials to the Standing Committee of the Diocese in which the General Convention is next to meet.~~ Where testimonials are received for persons from jurisdictions which have not previously been represented in General Convention, the Secretary shall ascertain that the applicable provisions of Article V, Section 1 of the Constitution have been complied with prior to such persons being permitted to take their seats in the House.

E. Convention Journals.

At the request of the Secretary of the House of Deputies, in order to reduce the number of copies of Convention journals forwarded to his office and to eliminate the intermediate handling of copies that are finally deposited in the Archives of the Church, the Commission recommends adoption of the following resolution:

Resolution #A—27.

Resolved, the House of _____ concurring, That Title I, Canon 5, Sec. 3(a) be amended to read as follows:

Sec. 3(a). It shall be the duty of the Secretary of the Convention ~~or Convocation~~ of every jurisdiction to forward to the Secretary of the House of Deputies, immediately upon publication, ~~five~~ *two* copies of the Journals of the Convention ~~or Convocation~~ of the jurisdiction, together with episcopal charges, statements, and such other papers as may show the state of the Church in ~~his~~ *that* jurisdiction, *and one copy to the Archives of the Church.*

F. Presentment for Violation of Ordination Vows.

One of the offenses for which a bishop, presbyter or deacon of this Church is liable to presentment and trial under Canon IV.1.1. is any act which involves a violation of ordination vows. Experience born of litigation following the pre-1976 allegedly irregular ordinations of women in Philadelphia discloses a need to have a clearer specification of this offense, where it is based upon disregard or disobedience of a pastoral direction of a bishop. This addition is desirable primarily for the protection of the accused but also to

make the administration of ecclesiastical justice more orderly and uniform throughout the Church.

Resolution #A—28.

Resolved, the House of _____ concurring, That Title IV, Canon 1 be amended by inserting a new Sec. 2 reading as follows:

Sec. 2. If a presentment against a Presbyter or Deacon alleges an act or acts which involve a violation of ordination vows and specifies as the act that the Presbyter or Deacon has disobeyed or disregarded a pastoral direction of the Bishop having authority over such person, the presentment must be made by the Bishop giving the pastoral direction and shall set out the pastoral direction alleged to have been disregarded or disobeyed and wherein the disregard or failure to obey constitutes a violation of ordination vows. Unless the presentment complies with the foregoing provisions no finding or judgment of guilt may be made of the offense specified in Section 1(6) on the basis of an act of disregarding a pastoral direction of or failing to obey the Bishop having authority over such person.

In order for the disregard or disobedience of a pastoral direction to constitute a violation of ordination vows the pastoral direction must have been a solemn warning to the Presbyter or Deacon; it must have been in writing and set forth clearly the reasons for the pastoral direction; it must have been given in the capacity of the pastor, teacher and canonical overseer of the Presbyter or Deacon; it must have been neither capricious nor arbitrary in nature nor in any way contrary to the Constitution and Canons of the Church, both national and diocesan; and it must have been directed to some matter which concerns the Doctrine, Discipline or Worship of this Church or the manner of life and behavior of the Presbyter or Deacon concerned. Upon trial under any such presentment the question of whether the disregard or disobedience of the pastoral direction specified constitutes a violation of ordination vows is a matter of ultimate fact upon which testimony may be offered.

and renumbering Sec. 2, 3 and 4 as Sec. 3, 4 and 5.

G. Provision for Disability of Bishop Coadjutor.

Canon III. 14.2(a) makes provision for the election of a bishop coadjutor in a case where the bishop of a diocese is unable, by reason of age or other permanent cause of infirmity, fully to discharge the duties of his office. There is, however, no comparable provision relating to the disability of a bishop coadjutor. Such a provision is needed because without such a provision a diocese may find itself with both a bishop and a bishop coadjutor under disability and no way to remedy the situation.

Resolution #A—29.

Resolved, the House of _____ concurring, That paragraph (d) of Canon III.14.2 be amended to read as follows:

(d) There shall not be in any Diocese at the same time more than one Bishop Coadjutor; Provided, if it is certified to the Ecclesiastical Authority of a Diocese by three competent physicians selected by that Authority that the Bishop Coadjutor in such Diocese is permanently unable, by reason of physical or mental condition, to carry out the duties as Bishop Coadjutor, the Ecclesiastical Authority, upon advice of three Bishops of three neighboring Dioceses, may

declare that the right of succession of such Bishop Coadjutor is terminated and in such event a new Bishop Coadjutor may be elected for such Diocese as provided in paragraph (a) of this Sec. 2.

H. Amendment to Title III, Canon 9.

Section 1 of Title III, Canon 9 fails to reflect the restoration of postulancy as a requisite for ordination. The Commission recommends the adoption of the following resolution:

Resolution #A—30.

Resolved, the House of _____ concurring, That Title III, Canon 9, Section 1 be amended to read as follows:

The provisions of these Canons for the admission of *Postulants and Candidates*, and for the Ordination to the three Orders, Bishops, Priests and Deacons, shall be equally applicable to men and women.

I. Physical and Mental Examination of Bishops-Elect.

This proposed revision is submitted as part of the Commission's general responsibility for the internal consistency in the Canons. Language has been changed to bring this Canon into conformity with changes that were made at the 66th General Convention in Canon III.10.3 and Canon III.13.1(c). The other change offered is done so at the request of the Presiding Bishop's Office. At present, the Presiding Bishop is to choose two doctors who are to examine thoroughly a bishop-elect to determine if there are any reasons why the bishop-elect could not undertake episcopal responsibilities. It is often difficult for the Presiding Bishop to choose persons to examine bishops-elect because the Presiding Bishop has no way of knowing suitable examiners in each jurisdiction of the Church. Therefore, it was felt that the ecclesiastical authority was in a better position to assist with a recommendation of examiners to be appointed with the approval of the Presiding Bishop. Thus, the Presiding Bishop would be assisted in exercising the responsibility assigned by the Canons.

Resolution #A—31.

Resolved, the House of _____ concurring, That Title III, Canon 14, Section 1(a) be amended to read as follows:

Sec. 1(a). Whenever the Church in any Diocese shall desire the ordination and consecration of a Bishop-elect, if the election shall have taken place within three months before a meeting of the General Convention, the Standing Committee of the said Diocese shall, by their President, or by some person or persons specially appointed, forward to the Secretary of the House of Deputies evidence of the election of the Bishop-elect by the Convention of the Diocese, together with evidence of his having been duly ordered Deacon and Priest, and also a testimonial, signed by a constitutional majority of such Convention, in the following words, viz.:

“We, whose names are hereunder written, fully sensible how important it is that the Sacred Order and Office of a Bishop should not be unworthily conferred and firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality or affection, do, in the presence of Almighty God, testify that the Reverend A. B. is not, so far as we are informed, justly liable to evil report,

~~either for error in religion or for viciousness of life, and that we know of no impediment on account of which he the Reverend A. B. ought not to be ordained and consecrated to that Holy Office. We do, moreover, jointly and severally declare that we believe him to be of such sufficiency in good learning, of such soundness in the Faith, and of such virtuous and pure manners and godly conversation, that he is apt and meet to exercise the Office of a Bishop to the honour of God and the edifying of his Church, and to be a wholesome example to the flock of Christ.~~

(Signed) _____”

~~The Secretary of such Convention shall certify upon this testimonial that it has been signed by a constitutional majority thereof. There shall also be forwarded with the testimonial and other documents a certificate from two medical doctors, who shall be chosen by the Presiding Bishop, that they have thoroughly examined the Bishop-elect and have not discovered in his physical, mental, or nervous condition any reason why it would not be wise for him to undertake the work for which he has been chosen.~~

The Secretary of such Convention shall certify upon this testimonial that it has been signed by a constitutional majority thereof. There shall also be forwarded with the testimonial and other documents, certificates from two recognized and licensed professionals, appointed by the Ecclesiastical Authority of the Diocese with the approval of the Presiding Bishop, that they have thoroughly examined the Bishop-elect as to such person's physical and mental conditions and have not discovered any reason why it would not be wise for such person to undertake the work for which such person has been chosen. The forms for medical and psychiatric reports prepared by The Church Pension Fund shall be used for this purpose.

The Secretary of the House of Deputies shall lay the said testimonials before the House, and if the House shall consent to the consecration of the Bishop-elect, notice of said consent, certified by the President and Secretary of said House, shall be sent to the House of Bishops, together with the testimonials aforesaid.

J. Three-Year Term of Chalice Bearers.

Since the 66th General Convention extended the allowable licensing period for lay readers to three years, it would seem appropriate to do the same for lay chalice bearers.

Resolution #A—32.

Resolved, the House of _____ concurring, That Title III, Canon 26, Section 5 be amended so that the first paragraph will read as follows:

Sec. 5. A Lay Reader may deliver the Cup at the Holy Communion; *Provided*, that he has been specially licensed thereto by the Bishop. Such special license shall be given only at the request, and upon the recommendation, of the Member of the Clergy in charge of the Parish, Congregation, or Mission in which the Lay Reader is serving. The license to administer the Chalice shall be issued for a period of time not to exceed ~~one year~~ *three years*, and shall be revocable at any time by the Bishop, or by the Minister at whose request it was granted.

K. Notices from the Secretary of the House of Deputies.

In the interest of economy and efficiency, the following amendment to Title I, Canon I, Section 1(e) is proposed.

Resolution #A—33.

Resolved, the House of _____ concurring, That Title I, Canon 1, Section 1(e) be amended to read as follows:

(e). It shall be the duty of the Secretary of the House of Deputies, whenever any alteration of the Book of Common Prayer or of the Constitution is proposed, or any other subject submitted to the consideration of the several Diocesan Conventions, to give notice thereof to the Ecclesiastical Authority of the Church in every Diocese, as well as to the Secretary of the Convention of every Diocese, and written evidence that the foregoing requirement has been complied with shall be presented by him to the General Convention at its next session. All such notices shall be sent by *certified or registered mail, return receipts being required with the Secretary's certificates to be returned.* He shall notify each Secretary that it is his duty to make known such proposed alterations of the Book of Common Prayer, and of the Constitution, and such other subjects, to the Convention of his Diocese at its next meeting, and to certify to the Secretary of the House of Deputies that such action has been taken by him.

L. Assistant Bishops.

The Standing Commission on Constitution and Canons proposes an amendment to Title III.20.2(c) to clarify who may be appointed assistant bishops and add specifications for eligibility for bishops of another Church in communion with this Church.

Resolution #A—34.

Resolved, the House of _____ concurring, That Title III.20.2(c) be amended to read as follows:

(c) Bishops of a Church in communion with this Church, in good standing *therein, who, having previously resigned their former responsibilities, their appointment to the position of Assistant Bishop being subject to the approval of competent authority within that Church if they:*

- 1. have previously resigned their former responsibilities;*
- 2. have received approval by a competent authority within the Church of their consecration of their appointment to the position of Assistant Bishop;*
- 3. have exhibited satisfactory evidence of moral and godly character and theological requirements; and*
- 4. shall have promised in writing submitted to the Bishop making the appointment to submit in all things to the Doctrine, Discipline and Worship of this Church, and also shall have submitted to and satisfactorily passed a thorough examination covering both physical and mental condition by recognized and licensed professionals appointed by the Presiding Bishop. The forms of medical and physical reports prepared by The Church Pension Fund shall be used for these purposes.*

VI. FINANCES

A. Financial Report, 1980-1982.

Receipts through 2/28/82

	1980	1981	1982	Total
General Convention.....	\$3,724.29	\$9,375.00	\$4,900.00*	\$17,999.29
Funds for White and Dykman Project:				
Balance on hand, 1/1/80			\$ 6,650.00	
Mercer Trustees matching funds			6,675.00	
Trinity Church, Indianapolis			10,000.00	
General Convention			15,000.00	
Miscellaneous gifts, interest, etc.			3,540.52	
Church Pension Fund and affiliates			6,934.60	
			<u>\$48,800.12</u>	

**Budgeted for 1982.*

Expenditures through 2/28/82

	1980	1981	1982	Total
Meetings.....	\$3,569.62	\$9,659.08	\$584.16**	\$13,812.86
Supplies, xeroxing, etc.....	154.67	300.08		454.75
Estimated additional ex- penditures through 12/31/82			1,000.00	1,000.00
	<u>\$3,724.29</u>	<u>\$9,959.16</u>	<u>\$1,584.16</u>	<u>\$15,267.61</u>
White and Dykman Project:				
Seabury Press.....		\$5,000.00		\$5,000.00
Researchers				<u>6,934.60</u>
				\$11,934.60

***Required for 1981 Meetings*

B. Proposed Budget for 1983-1985

	1983	1984	1985	Total
Meetings	\$6,960	\$8,280	\$8,280	\$23,520
Materials, telephone, etc.-	500	500	500	1,500
Sub-committee meetings—		1,000		1,000
	<u>\$7,460</u>	<u>\$9,780</u>	<u>\$8,780</u>	<u>\$26,020</u>

White and Dykman Project

We hope to be finished by December 31, 1982. If not, completion of the work will be financed by funds already in hand on that date.

Resolution #A—35.

Resolved, the House of _____ concurring, That the sum of \$26,020.00 be appropriated for the work of the Standing Commission on Constitution and Canons during the next triennium.