

ECCLESIASTICAL TRIAL COURT
OF THE PROTESTANT EPISCOPAL CHURCH
IN THE UNITED STATES OF AMERICA

The Protestant Episcopal Church in the
United States of America

vs.

The Right Reverend Charles I. Jones III

JUDGMENT AND SENTENCE

Having found the Respondent guilty of Conduct Unbecoming a Member of the Clergy and Immorality, and having considered all written submissions concerning sentencing and all arguments and remarks made at the January 30, 2001 hearing on sentencing, by a vote of seven to two, the Court hereby enters a Sentence of Deposition pursuant to Title IV Canon 12.1 and 12.10 of the Constitution and Canons for the Government of the Protestant Episcopal Church in the United States of America (the “Canons”).

In reaching this Sentence, the Court was persuaded by the following factors:

1. The sexual exploitation of the Complainant was a serious and egregious offense. The sexual exploitation manifested an abuse of power and violation of boundaries and trust that both constitute and underlie the Offenses of Conduct Unbecoming a Member of the Clergy and Immorality.

2. The Court is convinced, based on evidence before the Court, that the Respondent continues to abuse his position of power and trust in an exploitive manner. The Court is concerned that the Respondent presents a risk of exploitation, boundary violations, and, therefore, Conduct Unbecoming a Member of the Clergy and Immorality in the future.

3. Although the Respondent has on occasion expressed apologies and admissions of wrongdoing in connection with his relationship with the Complainant, the Court is not convinced, based on the Respondent's behavior, correspondence, and submissions to the Court, of the Respondent's genuine repentance and understanding of the serious and grievous nature of his exploitive behavior.

4. The Respondent's behavior since 1993, up to and including the present time, demonstrates that the evaluation and concerns expressed in the March 12, 1993 report from The Menninger Clinic (Trial Exhibit 14) are on-going and unresolved concerns.

5. For all of these reasons, the passage of time between the Respondent's relationship with the Complainant has not mitigated the serious circumstances of the Offenses committed by the Respondent.

Some Members of the Court would have been inclined to impose a Sentence of Suspension on condition of immediate resignation as Bishop of Montana, along the lines set forth in Bishop Theuner's dissenting opinion. These Members of the Court felt limited, however, by Title IV Canon 12.13, which provides that a Sentence of Suspension does not suspend the Bishop's administration of the temporal affairs of the Diocese. Because these Members of the Court agree with the majority of the Court that the Sentence imposed should terminate the Respondent's authority altogether, these members join in the majority decision to issue a Sentence of Deposition.

This 14th day of February, 2001.

+ Edward W. Jones

The Right Reverend Edward W. Jones

+ Alfred C. Marble Jr.

The Right Reverend Alfred C. Marble Jr.

+ Catherine S. Roskam

The Right Reverend Catherine S. Roskam

+ Chilton R. Knudsen

The Right Reverend Chilton R. Knudsen

+ Samuel B. Hulsey

The Right Reverend Samuel B. Hulsey

+ J. Clark Grew

The Right Reverend J. Clark Grew

+ Arthur E. Walmsley

The Right Reverend Arthur E. Walmsley

I dissent and vote for a sentence of admonition.

+ Robert C. Johnson, Jr.

The Right Reverend Robert C. Johnson

DISSENTING OPINION

Although the seriousness of the charges of which the respondent has been judged guilty may rise to the level of indicating a judgment of deposition, such a judgment may be inappropriate in this case for two reasons:

1. Over fifteen years have elapsed since the latest known commission of the acts for which the respondent has been judged guilty and the court has received no evidence that he has engaged in such behaviors during that time. Nevertheless, the Respondent has served as Bishop of Montana for a period of over eight years since he publicly admitted to the acts for which he has been judged. To the best of the court's knowledge, during that period of time no attempt was made, either by at least three bishops or by ten or more confirmed, adult communicant members of this Church in good standing, as allowed by canonical provisions available during that period to bring forward a presentment until the one which resulted in this case was brought forward in 1997 by the Complainant. A sentence of Admonition is rendered moot in a situation in which there is no evidence of continuing sexual misconduct against the commission of which the Respondent would be admonished.

2. A sentence of Deposition places the deponent outside of Holy Orders and the purview of the disciplinary canons and allows the court and the Church no further canonical influence over his behavior. Of the three sentencing options available to the court only Suspension allows the opportunity for the imposition of "conditions" which may help to mitigate the effect upon the Complainant which has resulted from the actions of the Respondent. Although the court was asked to render its judgment in the matter of actions which took place outside the Diocese of Montana from 1981 to 1985, evidence received by the court indicates that the continued abuse of power in a exploitive manner by the Respondent which gave rise to the behavior adjudicated in the court's

summary judgment continues to compromise his ministry in that diocese and that there is no reasonable expectation that this situation will be altered in the future.

Therefore, it is this judge's recommendation that the appropriate Sentence is Suspension with Conditions, as permitted by Canon IV.12.1.(c)(2), as follows:

1. The Respondent shall be suspended from Holy Orders for a period of at least five years, the termination of which thereafter to be determined by the Presiding Bishop, pursuant to implementation of the followings terms and conditions.

2. Effective within thirty days of the pronouncement of Suspension, the Respondent shall resign as Bishop of Montana and shall thereby forfeit all rights, responsibilities and privileges of that position: episcopal, ministerial, canonical and temporal.

3. Effective within sixty days of the pronouncement of Suspension, the Respondent shall present the Presiding Bishop with a plan and letter of intent to pay restitution to the Complainant within a reasonable period of time, in the amount of:

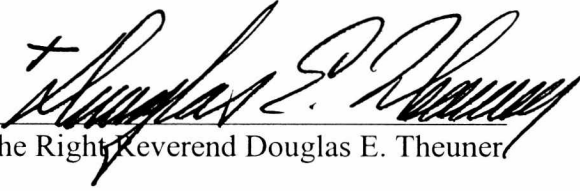
- a. \$40,000 for medical and therapeutic expenses, as originally requested in the Complainant's letter of February 25, 1997 to the Presiding Bishop;

- b. all reasonable costs associated with the Complainant's expenses for this Presentment, Trial and Sentencing. Determination of what is reasonable in these conditions shall be the responsibility of the Court.

4. Effective within sixty days of the pronouncement of this Sentence, the Respondent shall apologize fully and completely to the Complainant for the wrong he is adjudged to have done to her by such manner as she may choose; whether in person or in writing.

5. Effective within sixty days of the pronouncement of this Sentence, the Respondent shall arrange for therapy at his own expense, and with a therapist selected by the Presiding Bishop, to address the concerns addressed in the March 12, 1993 report of the Menninger Clinic (Trial Exhibit 14).

6. Failure to comply with any and all of the conditions of this Suspension as enumerated above, within sixty days of its pronouncement, shall automatically result in a sentence of Deposition of the Respondent.


The Right Reverend Douglas E. Theuner