

## The Standing Commission on Constitution and Canons

### MEMBERSHIP

The Rt. Rev. Walter D. Dennis, Jr. *Chair*, New York (1988)  
The Rt. Rev. Herbert A. Donovan, Jr., Arkansas (1988)  
The Rt. Rev. C. Charles Vaché, Southern Virginia (1991)  
The Rev. Rachelle Birnbaum, New York (1991)  
The Very Rev. Richard Coombs, Spokane (1988)  
The Rev. Canon Kermit L. Lloyd, Central Pennsylvania (1988)  
David Booth Beers, Esq., Washington (1991)  
Mary Lou Crowley, Esq. *Treasurer*, Central New York (1991)  
Burns H. Davison II, Esq. *Secretary*, Iowa (1988)  
John A. Lockwood, Esq., Hawaii (1991)  
Sarah G. McCrory, Esq., Upper South Carolina (1988)  
Robert C. Royce, Esq. *Vice Chair*, Long Island (1988)  
and:  
Fred C. Scribner, Jr., Esq. *Consultant*, Maine

[Bishop Dennis and Mr. Royce are authorized by the commission to receive non-substantive amendments to the matters contained in this report in the House of Bishops and House of Deputies respectively.]

### INTRODUCTION

The Standing Commission on Constitution and Canons met three times during the triennium: in Garden City, L.I., N.Y., in April, 1986; in Garden City in April, 1987; and, in Miami Beach, Florida, in December, 1987. At its organizational meeting, the commission elected officers and addressed referrals from the General Convention.

All members, and the commission as a whole, have continued to promulgate the inherent limitations present in the authority and duties of this commission to the extent of advising all parties that this commission is neither a judicial body for the interpretation of the Constitution or Canons of the Church nor is it a legislative body for the adoption of constitutional modifications or canonical amendments to existing church law.

To resolve the 1985 General Convention referral (A114a) related to Title III Canons, the chairman appointed a committee to be in liaison with the Council for Development of Ministry. In response to the referral of the 1985 General Convention to insure sexually inclusive language (A115a), the commission dedicated itself to review and revision of the Constitution and Canons of the Church.

The commission's continuing responsibilities to update *White and Dykman* by way of current annotations and pocket parts will result in a supplement including actions taken at the General Conventions of 1982 and 1985, to be distributed in the spring of 1988.

## CONSTITUTION AND CANONS

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### **FINANCIAL REPORT**

	<i>1986</i>	<i>1987</i>	<i>1988</i>
<i>Income</i> through 2/1/88	\$4,964.55	\$18,103.00	\$7,204.00*
From General Convention			
<i>Expenses</i>			
Meetings	\$4,964.44	\$9,735.44	
Printing, mailing, consultants, etc.		\$ 995.72	

\*Budgeted

### **RESOLUTIONS OF THE COMMISSION**

#### **AMENDMENTS TO THE CONSTITUTION, SECOND READING**

The following three Amendments were proposed and adopted at the General Convention of 1985, and are to be acted upon finally at the General Convention of 1988. The Standing Commission on Constitution and Canons recommends to the 69th General Convention the adoption of the proposed resolutions.

#### **Resolution #A005**

*Resolved*, the House of \_\_\_\_\_ concurring, **That the first paragraph of Article I, Section 4 of the Constitution is hereby amended to read as follows:**

Sec. 4. 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 or Deacons, canonically resident in the Diocese, and not more than four Lay Persons, *confirmed adult* communicants of this Church in good standing in the Diocese, but not necessarily domiciled in the Diocese. . . .

[To provide in the Constitution a phrase equivalent to "communicant" as that term was understood before amendment of the membership Canon (Canon I.17), effective January 1, 1986.]

#### **Resolution #A006**

*Resolved*, the House of \_\_\_\_\_ concurring, **That the first sentence of Article X of the Constitution is hereby 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.~~

[As originally described, the simplification of Article X deletes those matters that are repetitious of other contents of the Book of Common Prayer. The attention of those concerned is invited to the exposition to Article X of the Constitution, *White and Dykman* (1979).]

#### **Resolution #A007**

*Resolved*, the House of \_\_\_\_\_ concurring, **That Article II, Section 7 of the Constitution is hereby amended to read as follows:**

Sec. 7. It shall be lawful for the House of Bishops to elect a Suffragan Bishop who,

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under the direction of the Presiding Bishop, shall be in charge of the work of those Chaplains in the Armed Forces of the Untied States, *Veterans' Administration Medical Centers, and Federal Correction Institutions* who are ordained Ministers of this Church. The Suffragan Bishop so elected shall be consecrated and hold office under such conditions and limitations other than those provided in this Article as may be provided by Canons of the General Convention. He shall be eligible for election as Bishop or Bishop Coadjutor or Suffragan Bishop of a Diocese.

[To logically expand the jurisdiction of the Suffragan Bishop and provide for uniform Episcopal Authority.]

Because of the potential for undue invasion of diocesan authority, the commission makes no recommendation as to the following Amendment proposed and adopted at the General Convention of 1985 and to be acted on finally at the General Convention of 1988.

### Resolution #A008

*Resolved*, the House of \_\_\_\_\_ concurring, That Article IV of the Constitution is hereby amended to read as follows:

#### ARTICLE IV

In every Diocese a Standing Committee shall be appointed elected by the Convention thereof, except that provision for filling vacancies between meetings of the Convention may be prescribed by the Canons of the respective Dioceses. When there is a Bishop in charge of the Diocese, the Standing Committee shall be . . .

### AMENDMENTS TO THE CONSTITUTION, FIRST READING

The following amendments are initially proposed in accordance with a referral from the 1985 General Convention (A115a) to ensure sexually inclusive language.

### Resolution #A009

*Resolved*, the House of \_\_\_\_\_ concurring, That Article I, Section 2 of the Constitution is hereby amended to read as follows:

Each Bishop of the Church having jurisdiction . . . who . . . has resigned his a jurisdiction, shall have a seat and vote in the House of Bishops.

### Resolution #A010

*Resolved*, the House of \_\_\_\_\_ concurring, That Article I, Section 3 of the Constitution is hereby amended to read as follows:

. . . His The term and tenure of office and duties and particulars of his the election not inconsistent with the preceding provisions . . .

But if the Presiding Bishop of the Church shall resign his the office as such, or if by reason of infirmity he shall become disabled, or in case of his death, the Bishop who . . .

**Resolution #A011**

*Resolved*, the House of \_\_\_\_\_ concurring, That Article I, Section 7 of the Constitution is hereby amended to read as follows:

. . . but if there shall appear to the Presiding Bishop sufficient cause for changing the place or date so appointed, he *the Presiding Bishop*, with the advice and consent of such body, shall appoint another place or date, or both . . .

**Resolution #A012**

*Resolved*, the House of \_\_\_\_\_ concurring, That Article II, Section 2 of the Constitution is hereby amended to read as follows:

No one shall be ordained and consecrated Bishop until he ~~shall be~~ attainment of thirty years of age . . .

**Resolution #A013**

*Resolved*, the House of \_\_\_\_\_ concurring, That Article II, Section 3 of the Constitution is hereby amended to read as follows:

A Bishop shall confine the exercise of his *such* office to ~~his own~~ the Diocese in which elected, unless ~~he shall have been~~ requested to perform episcopal acts in another Diocese by the Ecclesiastical Authority thereof, or unless ~~he shall have been~~ authorized by the House of Bishops . . . .

**Resolution #A014**

*Resolved*, the House of \_\_\_\_\_ concurring, That Article II, Section 4 of the Constitution is hereby amended to read as follows:

~~He~~ A *Suffragan Bishop* shall be eligible for election . . . .

**Resolution #A015**

*Resolved*, the House of \_\_\_\_\_ concurring, That Article II, Section 6 of the Constitution is hereby amended to read as follows:

A Bishop may not resign ~~his~~ jurisdiction without the consent of the House of Bishops.

**Resolution #A016**

*Resolved*, the House of \_\_\_\_\_ concurring, That Article II, Section 7 of the Constitution is hereby amended to read as follows:

. . . ~~He~~ *The Suffragan Bishop* shall be eligible for election as Bishop . . .

**Resolution #A017**

*Resolved*, the House of \_\_\_\_\_ concurring, That Article II, Section 8 of the Constitution is hereby amended to read as follows:

. . . *Provided*, that ~~he~~ *the Bishop* shall have served not less than five years in ~~his~~ *the* present jurisdiction; and *Provided always*, that before acceptance of such election ~~he~~ *the Bishop* shall tender to the House of Bishops ~~his~~ *a* resignation of

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~~his jurisdiction in the Diocese in which he is then serving, conditioned on the required consents of the Bishops and Standing Committees of the Church to his the election, and also, if he be a Coadjutor, his renunciation of the right of succession therein . . .~~

### Resolution #A018

*Resolved*, the House of \_\_\_\_\_ concurring, That Article II, Section 9 of the Constitution is hereby amended to read as follows:

Upon attaining the age of seventy-two years a Bishop shall tender his resignation from his jurisdiction *resign from all jurisdiction*.

### Resolution #A019

*Resolved*, the House of \_\_\_\_\_ concurring, That Article III of the Constitution is hereby amended to read as follows:

. . . If a Bishop so consecrated shall be subsequently duly elected as a Bishop of a Missionary Diocese of this Church ~~he shall then enjoy, such election shall then confer~~ all the rights and privileges given in the Canon to such Bishops.

### Resolution #A020

*Resolved*, the House of \_\_\_\_\_ concurring, That Article IV of the Constitution is hereby amended to read as follows:

. . . the Standing Committee shall be ~~his the~~ Bishop's Council of Advice.

### Resolution #A021

*Resolved*, the House of \_\_\_\_\_ concurring, That Article V, Section 2 of the Constitution is hereby amended to read as follows:

In case one Diocese shall be divided into two or more Dioceses, the Bishop of the Diocese divided ~~may elect the one to which he will be attached, and he shall thereupon become the Bishop thereof, and the Bishop Coadjutor, if there be one, may elect the one to which he shall be attached, and (if it not be the one elected by the Bishop) he shall be the Bishop thereof, at least thirty days before the effective date of such division, shall select the Diocese in which the Bishop will continue in jurisdiction. The Bishop Coadjutor, if there be one, subsequently and before the effective date of the division shall select the Diocese in which the Bishop Coadjutor shall continue in jurisdiction, and if it not be the Diocese selected by the Bishop, shall become the Bishop thereof.~~

### Resolution #A022

*Resolved*, the House of \_\_\_\_\_ concurring, That Article V, Section 3 of the Constitution is hereby amended to read as follows:

. . . to the choice between ~~his own~~ the Bishop's Diocese and the new Diocese so formed.

### Resolution #A023

*Resolved*, the House of \_\_\_\_\_ concurring, That Article V, Section 4 of the Constitution is hereby amended to read as follows:

. . . one of the said existing Dioceses to which the greater number of *clergymen* *Members of the Clergy* shall have belonged . . .

**Resolution #A024**

*Resolved*, the House of \_\_\_\_\_ concurring, That Article VIII of the Constitution is hereby amended to read as follows:

No person shall be ordered Priest or Deacon to minister in this Church until *he the person* shall have been examined by the Bishop and two Priests . . . unless at the time, in the presence of the ordaining Bishop or Bishops, *he the person* shall subscribe and make the following declaration . . .

If any Bishop ordains a Priest or Deacon . . . *he the Bishop* shall do so only in accordance with such provisions . . .

No person . . . shall be permitted to officiate as a Minister of this Church until *he the person* shall have complied with . . .

[The following amendment is proposed to ease any future editorial problems presented.]

**Resolution #A025**

*Resolved*, the House of \_\_\_\_\_ concurring, That Article XII of the Constitution is hereby amended by adding a second paragraph reading as follows:

*Notwithstanding the provisions of the foregoing paragraph, the adoption of any alteration or amendment of this Constitution which inserts or repeals an Article, or a Section or Clause of an Article, shall effect the necessary change in numbers or letters of Articles, or of Sections or Clauses of an Article, that follow, and in references made in this Constitution to any other part, without the necessity of specific provision therefor in the alteration or amendment.*

**AMENDMENTS TO CANONS**

**Resolution #A026**

*Resolved*, the House of \_\_\_\_\_ concurring, That Canon I.1.2(n)(2)(i) is hereby amended to delete the word "Joint" as follows:

(i). Review such proposed amendments to the Constitution and Canons as may be submitted to the Joint Commission . . . The Joint Commission shall express its views . . .

[The change in the canon is required since the Standing Commission on Constitution and Canons is not a "Joint" Commission.]

**Resolution #A027**

*Resolved*, the House of \_\_\_\_\_ concurring, That Canon I.1.2(n)(9) is hereby amended to add language as follows and to delete the three subparagraphs:

(9). There shall be a Standing Commission on Stewardship and Development

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*consisting of 12 members (2 Bishops, 2 Presbyters or Deacons and 8 Lay Persons).*  
It shall be the duty of the Commission . . .

[The material in the three subparagraphs to be deleted is covered either in the language to be added or in provisions of Canon I.1.2 applicable to all commissions.]

### Resolution #A028

*Resolved*, the House of \_\_\_\_\_ concurring, That Canon IV.11.2(d) is hereby amended to read as follows:

(d). Any Minister whose name shall have been added to the said List as aforesaid, and who has not complied with Canon III.21.See.4(d)(3), made an annual report on the Minister's exercise of office to the Presiding Bishop for a period of ten years, may be considered to have abandoned the Ministry of this Church. The Presiding Bishop may, at his in the exercise of discretion, in the presence of two Presbyters, pronounce sentence of deposition on such Minister, and authorize the Secretary of the House of Bishops to strike the name from the List and to give notice of the fact as provided in Canon IV.12.4(b).

[The canonical amendment is proposed because Canon III.21.4(d)(3) no longer exists. The proposed language incorporates the substance of the former canon.]

### AMENDMENT TO THE JOINT RULES OF ORDER

[This proposed amendment to the Joint Rules of Order is to reflect the change made in 1985 to the bylaws of the Episcopal Church Women.]

### Resolution #A029

*Resolved*, the House of \_\_\_\_\_ concurring, That Joint Rule of Order VI.17(a) be amended as follows:

. . . the Treasurer of the General Convention, the Presiding Officer of the Triennial Meeting, the Chairman of the Triennial Committee, the President and First Vice President of the Episcopal Church Women, the General Convention Manager and . . .

The Commission continues its work in revision of Titles I, II, IV, and V of the Canons with respect to the mandate of the 1985 General Convention to ensure the use of sexual-inclusive language. Attention is invited to the Report of the Council for the Development of Ministry related to Title III Canons, which incorporates such language in that Title.

### PROPOSED BUDGET FOR 1989-1991

	1989	1990	1991	Total
Meetings	\$10,828	\$17,642	\$ 9,213	\$37,683
Supplies	\$ 400	\$ 300		\$ 700
	\$11,228	\$17,942	\$ 9,213	\$38,383

### Resolution #A030

*Resolved*, the House of \_\_\_\_\_ concurring, That the sum of \$38,383 be appropriated for the work of the Standing Commission on Constitution and Canons during the next triennium.