

## PEP Argument Briefing Paper

**Title:** Restoring the Accession Clause Necessary  
**Applicable to:** Resolution Two (Constitutional Amendment)  
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### Summary

Restoring the diocesan constitution to its pre-2003 convention form is necessary to be in compliance with the constitution of The Episcopal Church (TEC) and to acknowledge the resolution of Executive Council. The current convention is voting on a measure that completely removes the accession clause, but restoration is the only appropriate course. This proposed amendment is the only proper amendment among those offered, and may be offered as a substitute to the first.

### Background

- In 2003, the Diocese of Pittsburgh began the process of altering the Article I of its constitution to include qualifications on its accession to the constitution and canons of TEC. The 2004, convention completed the amendment process, thus improperly changing the required unqualified accession to one with the following qualification: “In cases where the provisions of the Constitution and Canons of the Church in the Diocese of Pittsburgh speak to the contrary, or where resolutions of the Convention of said Diocese have determined the Constitution and Canons of the Protestant Episcopal Church in the United States of America, or resolutions of its General Convention, to be contrary to the historic Faith and Order of the one holy catholic and apostolic church, the local determination shall prevail.”

### Argument

- The constitution of TEC, from its first draft in 1785 on, has required statements in the constitution making the state conventions/dioceses subordinate to the General Constitution. The final draft in 1789 expressed this as a requirement that all new dioceses place a statement acceding to the constitution in their constitutions as a precondition to admission, and requiring all founding conventions to accede as part of the adoption of the document. The requirement was expanded about a century ago to include also the canons of the church. As of 1982, the constitution requires “an unqualified accession to the Constitution and Canons of this Church.”
- The requirement that all clergy take an oath to “conform to the Doctrine, Discipline, and Worship of this Church” and the Canon 1.17.8 requirement that laity holding any office in the church must perform their duties “in accordance with the Constitution and Canons of this Church and of the Diocese in which the office is being exercised” complete the process subordinating parts of the church to the larger body. In good conscience, a person could not vote to change the accession clause without violating these provisions.

- Executive Council is a representative, elected body charged with implementing the actions of General Convention. Thus, it has authority to speak on the meaning of TEC's constitution and canons. In June 2007, the Executive Council passed a resolution declaring changes to the accession clauses of four dioceses, including Pittsburgh, "null and void" and asserting that each of those diocesan constitutions "shall be as they were as if such amendments had not been passed." The Executive Council was asserting the right of a body to interpret its own constitution against novel interpretations of a subordinate entity. The Executive Council resolution was passed after consultation with a number of canon lawyers and the Chancellor to the President of General Convention and of the Executive Council, Sally Johnson.
- The current diocesan constitution creates a situation in which a person could find it impossible to exercise an office in accordance with both diocesan and Episcopal Church constitutions and canons.
- *Robert's Rules of Order* includes the following statement under its heading of motions that are invalid even if adopted unanimously: "No rule that conflicts with a rule of a higher order is of any authority," and, since the accession clause specifies that the constitution and canons of TEC *are* such an authority, the attempt to modify that accession clause was beyond the power of those gathered as a diocesan convention.
- Bishop John Howe, of Central Florida, one of the founding bishops of the Anglican Communion Network, has refused to allow members of the Central Florida Standing Committee, Council, or Convention to propose resolutions altering the accession clause because such attempts are "out of order" and exceed the authority of the diocese. He made this ruling this spring after consulting with bishops, chancellors, and lawyers throughout the church. Other conservative bishops have likewise ruled such attempts out of order, including Bishop Wimberley, of Texas.
- The current diocesan constitution is inconsistent and places parishes in a bind, since Article VIII of the diocesan constitution requires parishes seeking admission to the diocese to have placed an unqualified accession to the constitution and canons of TEC and the diocese into their bylaws and/or charter.

## Conclusions

The diocese has no authority to change or eliminate the accession clause, and the current (and proposed) changes leave parishes caught between two conflicting requirements in the diocesan constitution. Only by restoring the original wording can the diocese keep from having misleading and contradictory statements in its constitution. Those who wish to withdraw from TEC need to do so by leaving the church and holding their own organizing convention for any new entity they wish to form.

## Supporting Information

### From the Constitution and Canons of The Episcopal Church:

**Constitution, Article V:** ... 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.

**Constitution, Article VIII:** No person shall be ordered Priest or Deacon to minister in this Church until the person 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 person 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, the person 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 I do solemnly engage to conform to the Doctrine, Discipline, and Worship of the Episcopal 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 the person shall have complied with the Canon or Canons in that case provided and also shall have subscribed the aforesaid declaration.

**Canon 1.17.8:** Any person accepting any office in this Church shall well and faithfully perform the duties of that office in accordance with the Constitution and Canons of this Church and of the Diocese in which the office is being exercised.

### **From the Diocese of Pittsburgh Constitution:**

#### **Article XIII: Admission of Parishes**

Any Parish formed within the limits of the Diocese, and regularly organized according to the Canons, may be admitted into union with the Convention, on motion, by a majority of votes. PROVIDED, it shall have laid before the Convention its Charter and By-laws, or its original Articles of Association, or a duly certified copy thereof, wherein it expressly adopts and recognizes the authority of the Constitution and Canons of this Diocese, and the Constitution, Canons, doctrines, discipline, and worship of the Protestant Episcopal Church in the United States of America. And provided, also, that it shall have complied with the canonical requirements for such admission.

#### **Article I: Acceding to the General Constitution** (current “official” version)

Section 1. The Church in the Diocese of Pittsburgh, being a constituent part of the Protestant Episcopal Church in the United States of America, accedes to, recognizes, and adopts the Constitution and Canons of that Church, and acknowledges its authority accordingly. In cases where the provisions of the Constitution and Canons of the Church in the Diocese of Pittsburgh speak to the contrary, or where resolutions of the Convention of said Diocese have determined the Constitution and Canons of the Protestant Episcopal Church in the United States of America, or resolutions of its General Convention, to be contrary to the historic Faith and Order of the one holy catholic and apostolic church, the local determination shall prevail.

#### **Article I: Acceding to the General Constitution** (after adoption of amendment)

Section 1. The Church in the Diocese of Pittsburgh, being a constituent part of the Protestant Episcopal Church in the United States of America, accedes to, recognizes, and adopts the Constitution and Canons of that Church, and acknowledges its authority accordingly.