

PEP Argument Briefing Paper

Title: Membership in Southern Cone a Bad Idea
Applicable to: Resolution One (New Canon I)
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Summary

The resolution creates a new canon specifying membership of the diocese in the Province of the Southern Cone. The action is, by various governing documents, improper, and it has a number of less-obvious drawbacks.

Background

This resolution will only be presented if the second reading of the constitutional amendment removing accession to the constitution and canons of the Episcopal Church passes. By specifying affiliation with a province in a canon, its proponents argue, the diocese can change that affiliation at any convention.

The Anglican Church of the Southern Cone, under the leadership of its Presiding Bishop Gregory Venables, has accepted several breakaway jurisdictions. In 2005, Venables welcomed Bishop Robinson de Barros Cavalcanti of Recife, who had led a group out of the Episcopal Church of Brazil. In December 2007, those who left the Episcopal Diocese of San Joaquin were recognized by the province as a diocese of the Southern Cone. However, the Anglican Communion has not recognized these actions; the Anglican Communion's official Web site lists neither Recife nor San Joaquin as dioceses of the Southern Cone.

The Southern Cone became a province of the Anglican Communion in 1981. Its constitution specifies that the province includes only that part of South America in Chile, Bolivia, Peru, Uruguay, Paraguay, and Argentina.

Argument

- Affiliation with the Southern Cone is not possible under the terms of its present constitution. That constitution limits membership in the province to six countries in South America and requires Anglican Consultative Council approval for any and all amendments to the constitution.
- Affiliation with a different province in the Anglican Communion is supposed to occur with the advice and consent of the Anglican Consultative Council. The Council's constitution (Section 2c) says it shall be the body to advise on any changes in provinces or extraprovincial diocese.

- No individual diocese has the authority in The Episcopal Church to withdraw and affiliate with a different province except through a process that includes permission by General Convention. The right to go through that process is given in The Episcopal Church constitution only to missionary dioceses outside the United States.
- The diocese will not achieve its goal of remaining in the Anglican Communion because the communion has not recognized either the diocese of Recife or that of San Joaquin.
- The provisions of the Southern Cone constitution allow the Provincial executive Council to intervene directly in diocesan affairs. For example, The Provincial Executive Council can rescind the license of a bishop, or appoint a bishop for a diocese if it does not successfully elect a bishop after two years.
- Participation in provincial governance is limited to the bishop, one clergy deputy and one lay deputy.
- There are few protections of due process for clergy charged with an offense and the Presiding Bishop has the power in the Southern Cone to override the decision of any diocesan and provincial court.
- A diocese that wants to leave the Province of the Southern Cone needs the permission of both the provincial synod and the Anglican Consultative Council. The ACC will determine the new metropolitan authority over the diocese.
- According to Venables, the Presiding Bishop of the Southern Cone, women should serve in the diaconate, as acolytes, and as crucifers, but not as priests. He claimed, in an address to the Fort Worth diocese in May 2008, that women's ordination "happened too fast" in the U.S. and that the Southern Cone is not likely to change soon. Ordained women who choose to "realign" to the Southern Cone will be isolated in a diocese out of step with the rest of the province. The likelihood that parts of Fort Worth and Quincy will join San Joaquin in the Southern Cone will only add to those adamantly opposed to women serving as priests. Whereas Venables has said that each diocese may pursue its own course and some Canadians with women priests have joined the Southern Cone, women priests will be few and isolated.

Conclusions

Putting aside whether it is even constitutionally permissible for the diocese to affiliate with the Southern Cone, doing so may not be in the best interests of those seeking "realignment." Should the diocese be recognized by the Anglican Communion as part of the Southern Cone, it would then find it necessary to seek approval of the Anglican Consultative Council. Furthermore, the clergy of the diocese would find themselves without basic protections of due process, and participation in provincial governance would be much more limited than at present.

Supporting Documents

*Resolution One (from page C7 of the 2008 Pre-Convention Journal,
<http://progressiveepiscopalians.org/html/2008prejournal.pdf>)*

New Canon I (All subsequent Canons to be Renumbered Accordingly)

Provincial Membership within the Anglican Communion

The Diocese of Pittsburgh shall be a member of that Province of the Anglican Communion known as the Anglican Province of the Southern Cone.

*Constitution of the Anglican Consultative Council
(<http://www.aco.org/communion/acc/resources/downloads/constitution.pdf>)*

Section 2:

- c) To advise on inter-Anglican, provincial, and diocesan relationships, including the division of provinces, the formation of new provinces and of regional councils, and the problems of extra-provincial dioceses.

Section 3:

- a) The Council shall be constituted with a membership according to the schedule hereto. With the assent of two-thirds of the Primates of the Anglican Communion, the Council may alter or add to the schedule. "Primates" for the purposes of this article, shall mean the principle Archbishop, bishop, or Primates of each of the bodies listed in paragraphs b, c and d of the schedule of membership.

Constitution and canons of the Anglican Church of the Southern Cone (translation from Spanish at <http://www.fwepiscopal.org/downloads/PSCconstitution&canons.pdf>)

Constitution

2. MEMBERSHIP

The Anglican Church of the Southern Cone, which shall henceforth be called The Province, is composed of the Anglican Dioceses that exist or which may be formed in the Republics of Argentina, Bolivia, Chile, Paraguay, Peru and Uruguay and which voluntary [*sic*] declare themselves as integral Diocesan members of the Province.

4. AMENDMENTS TO THE CONSTITUTION

- 4.3 The proposed change shall then be submitted to the Anglican Consultative Council for consideration and then to each Diocesan Synod for approval.

Canons

5. PROVINCIAL SYNOD [prologue before Section 1]

The official organization for representation, direction and general decisions of the Province is the Provincial Synod composed of representatives from each Member Diocese who shall be a Bishop and his [*sic*] delegates: one cleric and one lay member.

8. COURT OF APPEAL

- 8.17 The Presiding Bishop only may nullify the decision of the Court of Appeal, in established principal, when the decision of the Court is found to be contrary to the established practice, form and/or manner manifest in the constitution and canons of the Province or when not conforming to the norms of procedure. In these cases, the action shall be returned with his remarks within 15 days of receipt, modifying the parts of the decision of the Court that the Presiding Bishop found to be unacceptable, while the rest of the sentence remains in force.

11. METROPOLITAN JURISDICTION

11.5 A Member Diocese with sufficient cause and with consent of the Provincial Synod may withdraw from the Province. If the condition for such a withdrawal has been completed, the President of the Province shall notify the president of the Anglican Consultative Council and will ask that a provision for Metropolitan Jurisdiction be made for said Diocese. If the prior procedure is not possible, the Diocese may go directly to the Anglican Consultative Council.

Episcopal Church Canon I.11.4

http://www.episcopalarchives.org/e-archives/canons/CandC_FINAL_11.29.2006.pdf

(f) At the request of the Convention of a Missionary Diocese, supported by the presentation of relevant facts and a reasonable plan, the General Convention may by joint Resolution (1) permit the Diocese seeking autonomy to unite with another Province, or Regional Council having metropolitan authority, of the Anglican Communion, or (2) permit the Diocese seeking autonomy but not planning to unite with another Province or Regional Council, to unite with no less than three (3) other viable Dioceses at the same time which are geographically contiguous, or so located geographically as to be considered of the same region, for the purpose of establishing a new Province, or new Regional Council having metropolitan authority, of the Anglican Communion.