

PEP Argument Briefing Paper

Title: Changes Helpful but Ambiguous
Applicable to: Canonical Change 1 (Constitution, Article III)
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Background

In the wake of the 2003 General Convention, Bishop Duncan began the process of modifying Article III to allow canonically resident clergy who did not live in the diocese to vote in convention. Once this change was effected in 2004, the ranks of non-resident Pittsburgh clergy expanded, and such clergy returned to Pittsburgh in large numbers to support Bishop Duncan's agenda. The intention of the proposed amendment is to prevent a similar packing of the convention in the future. The proposal also has symbolic meaning, signaling a break with the immediate past.

Argument

- The proposed change not only makes it harder to pack the convention but also encourages clergy to establish canonical residence where they actually work. This facilitates episcopal supervision and assures that clergy receive appropriate pastoral attention.
- The substitution of “appropriate order” for “Lay order” is of no significance until such time as Canon IX is changed to permit a clerical chancellor, a change that may never be made.
- Other wording changes simplify or correct the wording of the article and are of no substantive significance. (See Supporting Information.)
- As noted in the Rationale, the exceptions for military chaplains and the like was a last-minute modification. Unfortunately, it has resulted in an ambiguous Section 2. Can a military chaplain vote if he or she has not been canonically resident for three months? What if the chaplain is not in regular standing? The intention is unclear, and the “obvious” meaning is not obvious at all.
- The question Section 2 is designed to answer is what clergy should be allowed to vote in convention. The longstanding three-month requirement—90 days might be a clearer requirement—is presumably designed to assure that voters have gained sufficient familiarity with the diocese to cast informed votes. Clergy who work elsewhere, it may be argued, lack this familiarity, however long they have been canonically resident. (One imagines that this was the justification for the pre-2003 exclusion of non-residents.) The last-minute addition to the proposed article offers an exception to those who necessarily work outside the diocese and who are not simply avoiding a change in their canonical residence. One can still ask if such people are familiar enough with the diocese to have voting privileges, given that they may seldom set foot in the diocese. (Other dioceses come down on both sides of this question.) Depending on how one feels about an exception for clergy not physically

(“actually”) resident, one of the following locutions should replace everything before “should be entitled” in Section 2:

- *Every member of the Clergy in regular standing who shall have been canonically and actually resident in the Diocese and engaged in the parochial, missionary, or educational work of the Church under the Ecclesiastical Authority of the Diocese for three months preceding any Convention ...*
- *Every member of the clergy in regular standing who shall have been canonically resident in the Diocese and engaged in the parochial, missionary, or educational work of the Church under the Ecclesiastical Authority of the Diocese for three months preceding any Convention and is either actually resident in the Diocese or is a member of a religious order, a missionary in foreign lands, or a chaplain in the armed forces of the United States ...*
- If the intention is to allow clergy to vote who necessarily reside outside the diocese, perhaps that intention should be articulated explicitly, lest someone be excluded inadvertently. For example, should a priest serving as an interim rector in another diocese be allowed to vote?

Supporting Information

Proposed change (from *Preconvention Journal 2009*, pages C-6–C-7, <http://www.episcopalpgh.org/wp-content/uploads/file/Documents/2009%20DioConv/2009DioConventionPacketV3.pdf>).

What follows is the proposed revision and the Rationale provided for the change. In the article shown below, which is adapted from the actual proposal, words being deleted are struck through and words being added are shown in brackets.

Article III

Members of Convention

Section 1. The ~~convention~~ [Convention] shall be composed of Clergy and Lay Deputies.

Section 2. Every member of the Clergy in regular standing who shall have been canonically [and actually] resident in the Diocese and engaged in the parochial, missionary, or educational work of the Church under the Ecclesiastical Authority of the Diocese for three months preceding any Convention [or who is a member of a religious order, a missionary in foreign lands, or a chaplain in the armed forces of the United States] shall be entitled to a seat and vote in such Convention in all cases except in the election of a Bishop, in which case the qualifications necessary to vote shall be as hereinafter provided in Article XIV of this Constitution.

~~PROVIDED, that no~~ [No] member of the Clergy so qualified shall lose his or her right to a seat and vote by reason of sickness or old age.

Section 3. The Deputies shall consist of two Deputies from each Parish in union with the Convention, chosen from the Lay Communicants as the Convention may, from time to time, by Canon[,] prescribe. ~~And each~~ [Each] such Parish shall have the right to send additional Deputies, chosen as aforesaid, in such proportion to the number of its registered communicants as the Convention may, from time to time, by Canon[,] prescribe. ~~PROVIDED, however, that a~~ [A] change in the scale of graduation, when fixed by Canon, shall not become effective until the ~~next~~ succeeding Annual Convention. The Chancellor of the Diocese shall be [an] ex-officio a member of the Convention with the right to a single vote in the ~~Lay~~ [appropriate] order.

Section 4. No Parish shall be entitled to representation in the Convention ~~which~~ [that] does not comply with duly enacted Canons of this Diocese relating to assessments levied upon it by authority of the Convention, unless it shall not do so for reasons ~~which~~ [that] shall be deemed satisfactory by the Convention itself; and it shall be the duty of the Diocesan Council, at the opening of each session, to present to the Secretary a list of such Parishes as are delinquent in this regard, in order that the same may be placed in the hands of the Committee on Claims of Deputies to Seats.

Rationale: There are two substantive changes made here. Additionally, a number of minor editorial changes have been made for clarity, consistency, or grammatical correctness. (As long as the article is being amended, it seems proper to make such minor improvements as well.) In Section 2, the words “and actually” have been inserted before “resident in the Diocese.” These words were removed by votes in 2003 and 2004. The change allowed clergy working elsewhere while canonically resident in Pittsburgh to vote in convention. Such people did so in large numbers, largely voting as a block. The effect was to dilute the votes of people actually living in the diocese and regularly participating in its work.

When the work of the committee was presented in a public meeting on August 12, 2009, concerns were raised that certain canonically resident clergy engaged in the work of the diocese necessarily live outside the diocese and were being disenfranchised. The committee [i.e., the Committee on Canons] addressed this concern in Section 2 with the addition of wording adapted from the canons of the Diocese of West Virginia.

In Section 3, the final words “Lay order” have been replaced with “appropriate order.” The section assumes the Chancellor is necessarily a layperson, but this office could, in principle, be held by a member of the clergy, even though Canon IX currently requires a lay chancellor.