

PEP Argument Briefing Paper

Title: Dangerous Provision Needs to Go
Applicable to: Canonical Change 6 (Canon XV)
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Background

The proposal from the Committee on Canons is to delete Section 6 of Canon XV and to renumber subsequent sections accordingly. The text slated for deletion allows the convention, by at two-thirds vote, to “dissolve its union with any Parish,” essentially, to throw a parish out of the diocese. Bishop Robert Duncan invoked this provision at the 2004 annual convention as a means of intimidating Calvary Church and St. Stephen’s, Wilksburg into dropping their lawsuit against him and other diocesan leaders.

Argument

- As the Rationale for this change indicates, it is unclear why the provision in question exists. Vaguely similar provisions exist in the canons of some other dioceses, but those canons specify particular reasons for dissolving the union with a parish (usually the closing of a parish no longer viable). What makes the Pittsburgh provision dangerous is the lack of listed circumstances under which it may be invoked. This allows the canon to be used as a weapon in a dispute between the bishop and a viable parish.
- The consequences of invoking Canon XV, Section 6 would be dire indeed. Given the existence of the Dennis Canon, which says that parish property is held in trust by the diocese, the diocese could immediately claim the affected parish’s property. This would almost certainly lead to a lawsuit.
- If there is conflict between a parish and the diocese (or the bishop), various means are available to achieve reconciliation. As head of the diocese, the bishop is not powerless in such situations. Surely a more pastoral approach to reconciliation than throwing a parish out of the diocese should be employed, if possible.

Supporting Information

Resolution (from *Preconvention Journal 2009*, page C-12,
<http://www.episcopalpgh.org/wp-content/uploads/file/Documents/2009%20DioConv/2009DioConventionPacketV3.pdf>):

6. **Canon XV**, Section 6 shall be deleted, and Sections 7–16 of Canon XV shall be renumbered 6–15. The text to be deleted is the following:

Section 6. The Convention may, by a two-thirds vote, dissolve its union with any Parish. Provided, however, that, except in such cases as may fall under Canon XXV, Section 5, notice of said proposed action shall have been given in the preceding Annual Convention.

Rationale: The intended purpose of this provision is unclear, and other procedures for closing parishes exist. Note also that the reference to Canon XXV, Section 5, is to a provision that the Committee on Canons has recommended eliminating, so that, if this section were not deleted, it would need to be changed.