

Standing Commission on Constitution and Canons  
Meetings of November 15-18, 2006

Chicago-O'Hare Marriott  
8535 West Higgins Road  
Chicago, Illinois 60631

**Draft Minutes**

Commission Members Present: Kevin J. Babb, Esq., the Rev. Carol Barron, Thomas A. Little, Esq., Matthew Livingood, Esq., the Rev. Luis Fernando Ruiz Restrepo, Diane Sammons, Esq., the Rev. Ward H. Simpson

Commission Members Absent: The Rt. Rev. Dorsey F. Henderson, Lawrence R. Hitt, II, Esq. (Excused), the Rt. Rev. Catherine M. Waynick

Guests: the Rt. Rev. Stacy F. Sauls (Executive Council Liaison)(November 15); Anne Karoly (Staff Assistant for Publications)

Day 1

The opening session of these meetings began with introductions from each member, giving a brief sketch of his or her background, prior involvement with the Church, and any prior General Convention (GC) or Standing Commission on Constitution and Canons (SCCC) experience.

The Commission was in agreement that the absence of member Larry Hitt was an excused absence; Larry contacted the Convenor of the meeting, Matt Livingood, in advance of the meeting, and explained his need to stay with his children while his wife attended to her ill mother in another state.

The Commission next reviewed and discussed its canonical mandate (Canon I.1.2(n)(3)), noting what it calls the Commission to do and how it limits the scope of the Commission's work.

Bishop Sauls updated the Commission on recent developments with the House of Bishop's Ad Hoc Committee on Property Disputes, which he co-Chairs.

The Commission then discussed its work over the next several days, and the process for handling its meetings – a predominantly consensus-based process.

The Commission then proceeded to unanimously elect the following officers:

- Matt Livingood, Chair
- Kevin Babb, Vice Chair
- Tom Little, Secretary

The Commission closed the meeting with a service of Compline.

## Day 2

This session of the Commission (7:00 p.m. – 9:00 p.m.) continued the day-long anti-racism work that began in the morning with large and small group sessions among all members of the assembled Committees, Commissions, Agencies and Boards.

The Commission started with a discussion around how to best facilitate Luis Ruiz Restrepo's comprehension of the English-only Commission discussions. The members agreed to speak slowly as best they could; Luis stated he preferred this to using an interpreter.

The Commission then worked through the three assignments given by the anti-racism trainers:

1. Look at the members of the Commission – are they representative of God's creation – in what ways?

The simple answer: "No." The Commission membership does not reflect the full diversity of the Church or of God's creation. We should strive to involve in our work others not on the Commission, including young persons, non-lawyers and persons of color. Could we invite comments and input from the various Diocesan Canons Committees?

2. Examine the procedures and policies that govern your Commission. Are they oppressive or libratory?

Considering the canonical mandate to SCCC, this is difficult to understand and be clear about.

Is racism somehow institutionalized in the election and appointment structures of General Convention?

We noted that the charge of the Commission directs SCCC to largely stay away from policy and mission development.

Did we act too hurriedly in making our leadership decisions on Day 1 – should we have waited until after we had had these discussions? Possibly, but we believe in our

leadership decisions, and will work collegially and collaboratively to complete the work of the Commission.

3. Using the learnings from today's sessions:

- Look at the tasks your Commission has been given to do, what are the issues of racism, oppression and exclusion that are imbedded in those issues?
- What actions and decisions that you might take and make might be liberatory and which might be oppressive?
- At the end of this session and each session, ask ourselves: How did our proceedings contribute to liberation and equity in this Church and in the world?

To the extent that our entire "system" (U.S. society, power structure, cultural status quo, economic status quo, etc.) is racist or has racism imbedded in it, the answer is that our work necessarily has racial and racist components imbedded in it. This may be harder to perceive in individual Resolutions, e.g., A 034.

Is there a way to interpret the Constitution and Canons (C & C) that is more sensitive to the racial and racist components of our society?

How do our C & C impact the Church in other ECUSA countries, e.g., Colombia? Do they fit the culture? What are the problems, the disjunctures? How can SCCC perform better for Province IX, for example?

Regarding the transformational racism chart – how does it apply to SCCC's work, considering the restricted scope of SCCC's canonical mandate? At the least, we can advise the proponent of a Resolution that there is racist content or assumptions in the proposal, and then deal with the proposal's consistency with the C & C.

SCCC and its members can mentor others (including non U.S. Episcopalians) in gaining greater understanding of the C & C and the SCCC process. There was a strong consensus about this on the Commission, and on the need to reach out generally to be more inclusive in our work.

The meeting closed with a service of Compline.

### Day 3

The day's meetings opened with Morning Prayer.

Matt Livingood reviewed a proposed agenda for the day (attached to these Minutes as Appendix A), and the members agreed to adopt it.

The Commission agreed by consensus to donate 0.7% (\$238.00) of its 2007 budget to Episcopal Relief and Development as the Commission's 2007 commitment to the Millennium Development Goals of the Church (see Resolution D031).<sup>1</sup> The Commission then proceeded to work through the agenda items in order.

### White & Dykman

There was an extensive discussion of the Commission's past and anticipated future and ongoing role in the ongoing project of updating and maintaining the Church's Annotated Constitution and Canons, commonly known by reference to its principal editors, White & Dykman (W & D). Tom and Matt explained the Commission's work in the last triennium, helping the current editor, Robert Royce, to review, proofread and edit the current working draft of updates to C & C Titles I, II and V. The Minutes of the Commission's June 2005 meetings in Seattle, Washington, describe this work in some detail. The latest word from Robert Royce (May 2006) is that this working draft is close to completion, but not yet completed. The Chair agreed to contact Royce to learn of his plans to complete the draft and get it published and distributed.

Anne Karoly noted that the Church Archives is in the process of posting a digital copy of the current W & D on the Church Web site. This is expected to be done in the next sixty days.

The Chair asked Tom Little, Joan Geiszler-Ludlum, Diane Sammons and Kevin Babb to develop a proposed plan of action for addressing the W & D work, consistent with the Commission's newly revised canonical mandate and the W & D "mission" as set forth in the Preface to W & D, and to include the scope of W & D going forward.

### Referred Resolutions

The Commission next proceeded to examine each Resolution referred to it by General Convention or by the Rev. Gregory Straub, the Secretary of General Convention

#### Referred by the 75<sup>th</sup> General Convention

A018 (see also A027): The conforming changes proposed in A018 were made flourish when GC adopted A082, the comprehensive Title III revision. Accordingly, no action is needed on A018.

A034: This Resolution calls upon SCCC to study the various uses of "canonical residence" in the C & C. Ward Simpson made a quick word-search check of the C & C, and identified eighteen instances of "canonical residence" and seventy-five of "canonically resident." Continuing members of SCCC recalled that this proposal came from the SCCC 2006 Blue Book report, arising from concerns about the appropriateness in some circumstances of disciplining a member of the clergy in his or her Diocese of canonical residence when the conduct in question took place in another Diocese. Ward

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<sup>1</sup> Appendix B to these Minutes is a summary of the Commission's actions taken at the meetings.

Simpson and Joan Geizsler-Ludlum will collaborate on an initial study of this Resolution, and will ask the Church Archives and the national chancellors network for information about usage of canonical residence in Diocesan Canons. They will report back to the Commission.

A078: This is a joint referral to this Commission and to the Standing Commission on Liturgy and Music (SCLM). The 2006 Blue Book explanation from the proposer of this Resolution suggests concerns about (i) the breadth of liturgies and rites that have been developed under the Rubrics of the Book of Common Prayer, and (ii) the unwillingness of some Bishops to give consent to permissive rites, liturgies and music even after many years since publication. Carol Barron agreed to contact SCLM to learn more about this, and to report back to the Commission.

A104: This Resolution revised the canons for the various interim bodies, making their membership and processes more uniform. The Chair agreed to review the new language to see if any technical corrections or “clean-up” work was necessary. (Note: later in the meeting, Anne Karoly distributed a document from the Church Archives relating to A104 and also to A047, A104 and A105.

#### Referred by the Secretary of General Convention

Certain GC 2006 Resolutions, although not referred to the Commission by GC, have been referred to it by the Rev. Gregory Straub, Secretary of GC, as being of likely relevance to the Commission’s charge and triennial work.

A007: “No action” was taken on this Resolution at GC 2006. The Resolution proposed to add non-financial information about newly closed and “removed” parishes and mission to a required Diocesan report to Executive Council. The Commission discussed the Resolution and asked a series of questions about its intent, its use of “removed,” and precisely what data Executive Council was looking for. Kevin Babb agreed to follow up on these questions and report back.

A027: “No action” was taken on this Resolution at GC 2006. The Commission reviewed this Resolution and concluded that, since A082, as adopted, took care of this conforming change (replacing “three months” with “one hundred twenty days”), A027 is now moot. The Commission advised Anne Karoly that a number of instances of “one hundred and twenty days” had somehow slipped into the adopted version of A082, and that this is an error that should be corrected in the final editing of the changes enacted by A082.

A028: “No action” was taken on this Resolution at GC 2006. This Resolution would have cleaned up new Canon III.11.3(a). It appears that the clean-up still needs to happen. Ward Simpson agreed to take a careful look into this Resolution, and also into A029 and A030, since they are related. Ward will try to report back to the Commission later in these sessions.

A029: “No action” was taken on this Resolution at GC 2006. See comment, above, under A028.

A030: “No action” was taken on this Resolution at GC 2006. See comment, above, under A028.

A033: “No action” was taken on A033 at the 2006 GC. The reasons were not clear; A033 contains canonical changes necessary to conform the Canons to constitutional changes adopted by second reading in 2003, relating to trials of Bishops under Title IV, and would amend Canons IV.6, 14, 15 & the title to Appendix A. These canonical changes were proposed at GC 2003 (D056), but D056 was not adopted by the concurrence of both Houses. The text of A033 was recommended by SCCC in its 2006 Blue Book report, and was included in A153 as submitted by the special Task Force of Title IV revisions. For these reasons, the Commission unanimously voted to recommend that A033 be resubmitted to General Convention in 2009.

A035: “No action” was taken on A035 at the 2006 GC. This change to the House of Deputies Rules of Order (relating to giving initial consideration of constitutional and canonical changes in the House of Deputies on the last day of General Convention) was “left behind” when GC 2006 did not complete action on all Resolutions. The House of Bishops enacted a parallel change to its Rules of Order, in A036. The Commission unanimously voted to resubmit A035 to General Convention in 2009.

A169: “No action” was taken on this Resolution at GC 2006. This Resolution was proposed by the Special Legislative Commission at the 2006 GC, and was one of its so-called “Windsor Report” Resolutions. It was not clear to the Commission that its jurisdiction is appropriate for this Resolution. The Chair agreed to consult with the Secretary of General Convention about this.

D068: “No action” was taken on this Resolution at GC 2006. The Commission did not take a position on the Resolution.

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Anne Karoly then explained the process underway for revising and publishing the C & C to reflect the Constitutional and Canonical changes adopted by the 2006 actions of GC. The next edition will be posted on the Church Web site in XML language, which is more versatile and searchable. She will distribute an electronic PDF copy to Commission members in late December, and expects the new hard copy will be available in late January 2007.

Anne then distributed three documents from the Church Archives dealing with Resolutions that were acted upon at the 2006 GC: A026; A032, and A047, A104 and A105. These do not need any action by the Commission, and were presented for information purposes. The Commission members concurred with the actions taken by the Church Archives in reconciling certain apparent anomalies.

The Commission then discussed and articulated its triennial priorities, and came to the following consensus:

1. The Commission is committed to address issues of racism and inclusion through: (a) mentoring persons to become more involved with the work of SCCC; (b) undertaking means to demystify the Constitution and Canons; and (c) examining the impact of the Constitution and Canons on non-U.S. jurisdictions of the Church.
2. Responding to all referrals to the Commission.
3. Responding to requests for assistance from other Committees, Commissions, Agencies and Boards.
4. Undertaking the following projects: (a) review and update of White & Dykman (per A023); (b) study canonical and Church use of the term “canonical Residence” (per A034); (c) collaborate with and support the new Title IV Task Force II (per A153); and (d) review the SCCC canonical mandate (per A112).

The Commission also agreed to make appropriate use of electronic means for communication and, where, appropriate, consultations and meetings. There was support for tentatively trying to schedule the Commissions next meetings to fall just prior to the national chancellors conference, in late April or early May (that conference date has not been set as of yet). This would enable the Commission to solicit collaborate and advice from the attendees at that conference.

The Commission next entered into dialogue to explore how to best respond to A153’s request that the Commission appoint three persons to the Title IV Task Force II, assuming that the Task Force somehow receives funding (which it failed to get at GC). Possible names were shared. The sense of the Commission was that it made sense to try to meet with the Standing Commission on Ministry Development (SCMD) later in the day, to discern its sense of how to proceed (SCMD also having three appointments to Task Force II).

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#### Resolutions Referred to All Committees, Commissions, Agencies and Boards

The Commission next reviewed the four Resolutions referred to all CCAB’s.

A051: As discussed earlier, the Commission agrees with the A051 recommendations, and will work to use them in its work during the triennium.

A112: The Commission will comply with this directive to study its canonical charge and report its recommendations to the Standing Commission on the Structure of the Church. Ward Simpson suggested that SCCC look into adding the three Rules of Order to its charge (House of Deputies, House of Bishops, Joint Rules of Order).

A159: The members agreed that its anti-racism commitment would include actions to respond to this Resolution, including an examination of how to open up the Commission's work to members of the Church in the Anglican Communion beyond the U.S. The Chair will ask Larry Hitt to take the lead on this.

D031: While no specific response to this Resolution may be required, it was noted that the Commission has responded to the first priority by acting to donate 0.7% of its 2007 budget to Episcopal Relief and Development.

### Other Resolutions

The Commission then proceeded to examine two Resolutions not referred to it, but which appear to have an obvious interest to the Commission or a clear connection to its canonical charge.

A020: This constitutional amendment had its first reading in 2003 (B005). However, because the Resolution was amended at second reading in the House of Bishops in 2006, what had been expected to be a second reading became instead a first reading. The italicized language in the following excerpt from A021 shows the amendment:

All Bishops of this Church, *except any excluded by canon or under the Rules of the House*, shall have seat and voice in the House of Bishops. Each Bishop of this Church having jurisdiction, Bishop Coadjutor, Bishop Suffragan, Assistant Bishop, and every bishop holding an office created by General Convention shall have a vote in the House of Bishops. A majority of all Bishops entitled to vote shall be necessary to constitute a quorum for transaction of business.

*And be it further*

*Resolved, That this amendment to Article 1, Section 2, shall take effect immediately upon passage.*

The Commission voted unanimously to recommend the Resolution favorably for second reading at GC 2009.

A021: This constitutional amendment had its first reading in 2006, and will be brought forward in 2009 for its second reading. The text of the proposed amendment is as follows (italicized language to be added):

*Resolved, That the last paragraph of Article VIII of the Constitution be amended to read as follows: A bishop may permit an ordained minister in good standing in a Church with which this Church is in full communion as specified by the Canons who has made the foregoing declaration, or a minister ordained in the Evangelical Lutheran Church in America or its predecessor bodies who has made the promise of conformity required by that Church in place of the foregoing declaration to officiate on a temporary basis as an ordained minister of this church.*

The Commission voted unanimously to recommend the Resolution favorably for second reading at GC 2009.

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After supper, the Commission held a joint session with SCMD, to discuss its and SCCC's response to A153. A very engaged discussion ensued. Both Commissions expressed strong interest in following through on A153 if it can be funded.

The day's meeting sessions concluded with a service of Compline.

#### Day 4

The Commission began its session with Morning Prayer.

Ward Simpson reported back on his review of A028, A029 and A030. He explained that a portion of A028 needs to be enacted, to relocate a phrase ("a summary or biographical information...") in order to clean up an anomaly. This same phrase needs to be added to the new Title III in one or more places (including III.11.4(a)). The balance of A028 is moot, in light of the changes enacted by A082. Ward noted that A029 and A030 are likewise moot. The Commission took no action on these Resolutions.

The Commission reviewed its work of the last three days. Tom Little read from his notes for the Minutes, and there was consensus on the actions taken by the Commission.

Tom Little advised that on Thursday, November 16, he received from Robert Royce an electronic copy of the most recent draft of the W & D Titles I, II and V updates. Tom agreed to circulate this to the Commission members and place a copy in the records of this meeting.

Ward Simpson brought a canonical gap to the attention of the Commission: the Canons are silent on how to treat a Diocese's election of a sitting Bishop to be its Bishop (a process known as "translation"). See Canon III.11.3(a). There was discussion about whether this gap needs canonical treatment, e.g., to eliminate the notion of "consecration" in this situation. Ward Simpson agreed to follow up on this area of inquiry, and report back to the Commission.

The Commission entertained a brief discussion about whether a Standing Committee may "convene" electronically or telephonically when acting on a request to consent to the election of a Bishop.

The meeting concluded with a service of Compline, followed by expressions of appreciation for the good work and collegial discussions of the last four days.

Respectfully submitted,

Thomas A. Little, Secretary

EXHIBIT A  
AGENDA

## Actions Taken

November 15, 2006

1. Elected Officers: Matthew Livingood, Chair; Kevin J. Babb, Vice Chair; Thomas A. Little, Secretary.

November 17, 2006

2. Adoption of Agenda.

3. Donation of 0.7% of Commission's 2007 budget (= \$238.00) to Episcopal Relief and Development.

4. White & Dykman: The Chair appointed Tom Little, Joan Geizsler-Ludlum, Diane Sammons and Kevin Babb to develop a proposed plan of action regarding current and future revisions and editing of White & Dykman.

5. A034 ("canonical residence" usage in the Canons): The Chair appointed Ward Simpson and Joan Geizsler-Ludlum to collaborate on an initial study of Diocesan canonical usage of "canonical residence."

6. A078: The Chair appointed Carol Barron to contact the Standing Commission on Liturgy and Music to explore collaborating with it on this Resolution.

7. A104: The Chair agreed to examine the canonical changes made by this Resolution and report back to the Commission on whether any technical revisions may be in order.

8. A007: The Chair appointed Kevin Babb to follow up on the Commissions questions about this Resolution.

9. A027: The Commission directed Anne Karoly to strike the unnecessary use of "and" in "one hundred and twenty days" wherever it appears in the changes made by A082.

10. A033: The Commission voted to recommend A033 favorably to GC 2009.

11. A035: The Commission voted to recommend A035 favorably to GC 2009.

12. A169: The Chair agreed to consult with the Secretary of General Convention about this Resolution.

13. Triennial Priorities: The Commission adopted its priorities for the triennium (see

p. 7 of the Minutes).

14. A051: The Commission Members reached consensus about the use of alternatives to in-person meetings and the other recommendations of A051.

15. The Commission members reached consensus about tentatively scheduling its next meeting for the days immediately preceding the national chancellors conference in late April or early May.

16. A153: The Commission authorized and directed the Chair to enter into dialogue with the other appointing authorities under A153, and to appointing three members to the new Title IV Task Force consistently with the Commissions discussions.

17. A112: The Commission agreed to study its canonical charge and make any resulting recommendations to the Standing Committee on the Structure of the Church.

18. A159: The Commission agreed that its anti-racism work would include responses to this Resolution.

19. D031: The Commission voted to donate 0.7% of its 2007 budget to Episcopal Relief and Development for use in achieving the Church's Millennium Development Goals.

20. A020: The Commission voted to recommend this Resolution favorably to the 76<sup>th</sup> General Convention as a second reading of a constitutional amendment.

21. A021: The Commission voted to recommend this Resolution favorably to the 76<sup>th</sup> General Convention as a second reading of a constitutional amendment.