

Standing Commission on Constitution and Canons  
Meetings of November 13-15, 2007  
Doubletree Guest Suites, 320 N. 44<sup>th</sup> Street  
Phoenix, Arizona 85008

**Minutes<sup>1</sup>**

Commission Members Present: Kevin J. Babb, Esq.; Joan Geiszler-Ludlum, Esq.; Lawrence R. Hitt, II; Esq., Thomas A. Little, Esq.; the Rev. Luis Fernando Ruiz Restrepo the Rev. Ward H. Simpson

Commission Members Absent: the Rev. Carol Barron; the Rt. Rev. Dorsey F. Henderson, Jr.; the Rt. Rev. Robert L. Fitzpatrick; the Rt. Rev. Samuel Johnson Howard; Matthew Livingood, Esq; Diane E. Sammons, Esq.

Guests: Mark J. Duffy, Director of the Episcopal Church Archives (representing the Presiding Bishop); Pauline Getz, Esq. (representing the President of the House of Deputies)

November 13, 2007.

The Commission met over dinner at 6:00 pm. Following grace from the Rev. Simpson, the members present enjoyed their dinner and discussion of recent Church activities, and the agenda for the next day.

November 14, 2007

1. Review and approval of Agenda. The Commission proceeded to establish its agenda, based on the Minutes of its June 21 meeting, as annotated with updates and homework assignments by the Secretary and distributed prior to this meeting.

2. Approval of Minutes. The Commission adopted the Minutes of its December, May and June meetings, as previously circulated and posted on the Commission's Web page.

3. White & Dykman. Tom Little and Joan Geiszler-Ludlum reported on their September meeting with White & Dykman editor Robert Royce at his home in Wilmington, NC. The meeting served to firm up the editorial connection between the editor and the Commission. On behalf of the Commission, Joan and Tom advised Mr. Royce that upon receipt of the final drafts of the supplements, a sub-committee of the Commission would review them for form and substance and obtain the Commission's necessary "sign-off" for publication on the Church's Web site in a digital format. Mr. Royce advised that he would be sending the sub-committee (Tom, Joan, Kevin and Diane) the final draft of the supplement to the Constitution and Titles I, II and V. On October 31, Mr. Royce

---

<sup>1</sup> These Minutes are expected to be approved by the Commission at its meeting on April 8, 2008.

circulated to this sub-committee his final draft of the supplement to the Constitution, and Titles II and V. Mr. Royce has advised Tom that he hopes to do the same with the update for Title I sometime in November or early December.

Tom then explained that the Archives, with Mike Duffy's leadership, has now posted White & Dykman, through the 1981 supplement, on the Archives Web site. The Commission agreed that the 1991 supplement should also be posted there. Tom and Mike agreed to follow up on this work.

4: General Convention Resolution A034 – Study of Usage of “Canonical Residence” in the Canons. Joan Geiszler-Ludlum reported that she solicited comment on this Resolution from as many “stakeholders” as she could identify, including the Episcopal Chancellors Network, a prominent organization of clergy, and others. She circulated a written report, which is attached to these Minutes. She received only four responses to her solicitation, none of which expressed significant concerns about the current canonical use of “canonical residence.”

The Commission discussed Joan's report, and two email communications, one from Bishop Henderson and one from Bishop Fitzpatrick – each addressing the concept of a bishop's canonical residence. These will not be made part of the Minutes but are on file with the Secretary.

The Commission concluded that there was no need to recommend any changes to the Canons, and that Joan's report would be incorporated into the Commission's Blue Book report for the 2009 General Convention. Joan ask, and was given, permission to share her report with the stakeholders to whom she directed her inquiry.

5. General Convention Resolution A078. The Commission agreed to defer this Resolution to its next meeting, in light of Carol's absence due to illness.

6. General Convention Resolution A007. Kevin Babb reported that he has not received a response to his inquiry to the Church offices about the need for this proposed Canonical change.

7. General Convention Resolution A153 (Creating the new Title IV Task Force). Joan Geiszler-Ludlum reported on a recent conversation with Task Force Chair Steve Hutchinson. Steve advised her that the Task Force expects to make public a draft of a revised Title IV in early January, and requests that the Commission strive to respond to it sometime in March, so that the Task Force can continue to make good progress.

8. General Convention Resolution A112 (Study of the Commission's Canonical Mandate). Ward handed out a revised draft of his proposal, reflecting comments he received from Tom. The proposal would create a process whereby a diocese whose legal system is substantially different than that of the United States could apply to the Executive Council for a partial or full waiver from Title IV in favor of a substitute system of accountability and discipline. The Commission was reminded by Rev. Luis Restrepo

of the significant challenges facing non-U.S. diocese in implementing Title IV. Kevin Babb asked whether the proposal also should be shared with the leadership of the Navaho Land mission diocese. The Commission members discussed the proposal and asked Ward to put it through another draft (with an introduction) and return for further discussion at the next meeting. Finally, there was consensus that Ward's proposal, when finalized and endorsed by the Commission, should be translated into Spanish and French and shared with the non-U.S. dioceses which would be affected by it.

It was noted that Matt Livingood at the June meeting agreed to write to the Standing Commission on the Structure of the Church, communicating SCCC's concerns about this Resolution and asking for its comment and advice. Then letter was also to include the concepts contained in Larry Hitt's Memo (concerning Resolution A159 (see below)) about inviting observers from other Provinces to attend CCAB meetings. An update on this will be presented at the next Commission meeting.

9. General Convention Resolution A159 (Commitment to the Interdependence of the Anglican Communion). The Commission discussed Larry's suggestion. Polly Getz informed the members that she has shared this with Bonnie Anderson, President of the House of Deputies, who expressed concerns about it. It appeared as though President Anderson's concerns may have been based on a misunderstanding about the proposal; the proposal does not suggest that non-TEC members be added as official Commission members, but only that they be invited to observe. Polly agreed to communicate this to Ms. Anderson and report back. The Commission agreed that in any event, such an observational role would have significant budgetary consequences. At the conclusion of its discussion on this Resolution, it was agreed that Tom should contact the leadership of the Standing Commission on the Structure of the Church and seek to collaborate with it on the Resolution.

10. Form and Process of a Standing Committee's Consent to the Ordination of a Bishop. In June, Ward Simpson circulated a draft revision to Canon III.4(b). The draft proposes to make counterpart signatures allowable and to permit a Standing Commission to "duly convene," deliberate and vote on a telephone conference call. The Commission engaged in a long discussion of this proposal, noting that later in the meeting there would be a discussion of a revised Standing Committee consent paper prepared by Bob Royce (copy attached to these minutes). The discussion ranged from whether not requiring an in-person meeting would be a bad precedent, i.e., a slippery slope, and might result in less personal engagement in the work of the Church, to technical issues about the precise language of the proposal. At the end, it was agreed that Ward and other members of the Commission should continue to work on this proposal and bring it back for review and possible action at the next meeting.

11. "Translation" of a Bishop from one Diocese to Another (Constitution Article II.8; Canon III.11). Ward Simpson re-introduced his draft of a proposed new section in Canon III.11. Ward pointed out that the process of translating a bishop from one diocese to another, upon election in the second diocese, is treated in the Constitution, but not the Canons. Currently, Standing Committee consents are solicited and received for the

translation of a bishop, but the process is not spelled out in the Canons. The consent in this instance is to the translation, not to the election of the bishop.

A discussion ensued regarding the practice of the Church administration, when soliciting Standing Committee consents, of requesting each Standing Committee to give the total number of Standing Committee members, and the number of them consenting to a translation (or to an ordination). There was a consensus that the administration should be asked whether there is any compelling reason for this practice, inasmuch as it does not appear to be canonical.

Observing that Ward's proposal is not a substantive change – since translation is found in the Constitution, the Commission asked Ward to put his proposal into a final draft for review and action by the Commission at its next meeting. Ward said that he and Polly Getz would strive to provide the other members with this draft shortly after the meeting.

12. Assistant Registrar at the Ordination of a Bishop. Joan Geiszler-Ludlum distributed her draft of this proposal, which is to provide for the appointment of an Assistant Registrar at the ordination of the bishop, a proposal suggested to the Commission in May by Gregory Straub, Secretary of General Convention. A copy of the draft is attached to these Minutes. Following discussion about the proposal, including whether it should be mandatory that an Assistant Registrar be a presbyter. Joan and Mark Duffy agreed to follow up on this and report back to the Commission.

13. Consistency of Use of the Term "Council of Advice." This issue was brought to the Commission's attention in May by Sally Johnson, Chancellor to the President of the House of Deputies. Her concerns are contained in a memorandum attached to the Minutes of that meeting. The Commission discussed the variations in usage in the Canons, and the disjuncture between the Canons and customary usage in practice. It was not clear to the Commission that any of this presents a problem warranting Canonical changes. Tom agreed to have conversations with Sally Johnson and others to gather information about this, and he will report back to the Commission at a later date.

14. Missionary Bishops; What Matters are Appropriate for Inclusion in Rules of Order of a House, Versus Including them in the Canons? In Carol Barron's absence, the Commission deferred review of this issue. Polly Getz informed the Commission that reported that the President of the House of Deputies has asked Polly to look at the Rules of Order of the two Houses, and the Joint Rules, to see if there are inconsistencies that are material, and also to assess whether some provisions of certain Rules of Order would be better addressed in the Canons. In this effort, Polly is being joined by Mark Lattime, Fred Isaac, the Rev. Brian Prior, Sally Johnson and Rebecca Snow. Polly will keep the Commission advised of the efforts of this study group. Polly noted that she had received no response to her inquiry to Bishop Buchanan about this issue. The Commission will wait for this advice before exploring the Rules versus Canons issue further.

15. Miscellaneous. The Commission closed out this day with a discussion about attendance at Commission meetings, noting concern that attendance at this meeting was not strong, and that no bishops were attending. There was consensus that the Commission should redouble its efforts to secure attendance by the bishop members since their participation is critical to the strength and impact of the Commission's work. A series of meeting dates will be shared with them prior to setting the next meeting date.

Tom reported that Patrick Haizel, meetings coordinator for the Church, has advised that there may be a joint meeting of the Commission and the Standing Commission on the Structure of the Church next September. Tom had telephoned Patrick to determine the purpose of the meeting, but Patrick told Tom that he was not privy to that information.

Tom also reported that the Executive Council is asking all Standing Commissions and other interim bodies to start thinking seriously about major budget priorities for the 2009-2012 triennium, and to forward comments and concerns to the Council in March of 2008.

Joan Geiszler-Ludlum reported on a conversation with Joe Delafield, Chancellor of the Diocese of Maine and a member of the Title IV Task Force. Joe believes that the 2003-2006 substantial revisions to Title III resulted in dropped language in Canon III.11. The Commission agreed to look into this and recommend any necessary corrections as part of its 2009 Blue Book Report.

16. Communications from Sally Johnson. Tom Little reported receiving a series of new communications from Sally Johnson, Chancellor to the President of the House of Deputies. Copies of these communications are attached to these Minutes. The Commission went through these one at a time, and preliminarily categorized them in three ways: (i) relatively simple canonical technical corrections or adjustments; (ii) substantive policy proposals and (iii) proposals that may be beyond the scope of the Commission's canonical charge. Tom will review this with Sally and report back to the Commission.

November 15, 2007

The following members of the Commission convened the morning of November 15: Joan Geiszler-Ludlum, Esq.; Lawrence R. Hitt, II; Esq., Thomas A. Little, Esq.; the Rev. Luis Fernando Ruiz Restrepo; and the Rev. Ward H. Simpson.

Tom Little, Joan Geiszler-Ludlum and Larry Hitt meet as a White & Dykman working group, and worked through the Title II draft supplement provided by Bob Royce. Tom will convey the group's edits to Mr. Royce.

The full remaining members then met to discuss the scheduling of the next Commission meeting. Larry Hitt reported on a conversation with Steve Hutchinson, Chair of the Title IV Task Force. Steve requests that the Commission meeting in March to discuss the Title IV revision draft that is scheduled to be released for review and comment in January.

Steve also advised Larry that the Task Force was not looking at technical corrections or other discrete improvements to the current Title IV.

The members generate three possible meeting date “windows” for its next meeting, and will circulate these to all members and liaisons in order to obtain the best attendance possible for that meeting: March 6-8; March 10-14; April 7-10. Members are encouraged to advise Tom Little of their preferences at their earliest convenience

Ward Simpson reported on a conversation with Sally Johnson, where she indicated that strong performance by the Church Pension Fund investments might lead some in the Church to propose changes to clergy healthcare benefits and/or lay pension provisions, either of which would likely involve canonical changes.

Following a recapitulation of the work of the Commission during these meetings, the Rev. Luis Fernando Ruiz Restrepo led the members in a closing prayer. The meeting was adjourned at 11:50 a.m.

Respectfully submitted,

Thomas A. Little, Esq.  
Secretary