

THE REPORT OF FINDINGS
BY THE COURT OF REVIEW OF PROVINCE II
REGARDING THE CONTESTATION OF THE
ELECTION OF THE BISHOP COADJUTOR OF THE DIOCESE OF HAITI

August 16, 2018

The Right Reverend Zaché Duracin has served as the Bishop of Haiti since June 2, 1993. In 2017 he announced his intention to retire in early 2019 and called for the election of a Bishop Coadjutor. The first electing convention was held on May 17, 2018, but was adjourned after five ballots failed to elect, in accordance with the canons of the Diocese of Haiti. The second electing convention took place on June 2, 2018, at which two more ballots were cast, and the Ven. Joseph Kerwin Délicat was elected on the seventh overall ballot.

The canons of The Episcopal Church, specifically Canon III.11.8(a), provide that at least ten percent of the delegates to an electing convention may, within ten days, contest the results of the election. A Letter of Contestation, dated June 6, 2018, (the “Contestation”), which was signed by 26 lay delegates and 16 ordained delegates (the “Contestants”), was submitted to the Reverend Joseph Sonley, Secretary of the Convention of the Diocese of Haiti. There were 111 lay delegates and 87 ordained delegates at the June 2, 2018 convention. Thus, the Contestation met the canonical requirement, in both the timing of the letter and the percentage contesting.

On July 17, 2018 the Court of Review of Province II (which includes the Diocese of Haiti) was given the Contestation by Presiding Bishop Michael Curry and Bishop Todd Ousley, Bishop for the Office of Pastoral Development, and charged to issue a report of findings no later than August 16, 2018 in response to the allegations brought by the Contestants. This 30-day timeline is prescribed by Canon III.11.8(a).

Substantial documentation has been submitted by the Contestants on one side, and by the Diocese of Haiti on the other, in support of or refutation of claims and allegations raised in the Contestation. On July 21, 2018, Bishop Duracin, diocesan officers and members of the Standing Committee met with this court in New York City, as did representatives of the Contestants, along with their respective counsel.

This court must note at the start the depth of faith, the passion for Christ, and the heartfelt love of the Diocese of Haiti which we saw in everyone who appeared before us. We saw the pain of division among people who love Christ and love Haiti, and who live now in impaired relationship with brothers and sisters across their diocese. The Diocese of Haiti is both the largest diocese in the Episcopal Church, and the economically poorest. Dioceses and parishes across our church have long-standing mission partnerships with parishes in Haiti and with the Diocese as a whole, and we have seen the miracles and wonders wrought by committed followers of the Jesus Movement in places where perhaps not much can be taken for

granted. Countless people in the Episcopal Church love Haiti, and we have found our lives enlarged by these relationships and mission partnerships. We experience the divisions in Haiti as a rupture in the common life of the Episcopal Church by which the whole body of the Church is wounded.

The conflicts in the Diocese of Haiti are not new, and in recent years have seen the Diocese fall into camps, largely around support of or opposition to the leadership and episcopate of Bishop Duracin. Since 2012 the growing conflict between Bishop Duracin and the former Bishop Suffragan, Ogé Beauvoir, has also characterized these divisions. In October 2016 the Standing Committee of Haiti made a Title III petition to dissolve the pastoral relationship with Bishop Beauvoir. A Title IV complaint was also made against Bishop Duracin by Bishop Beauvoir, which was resolved in April 2017 by Accord. On May 23, 2017 the Presiding Bishop effected a Covenant (the “Covenant”) among himself and Bishops Duracin and Beauvoir, resolving the Title III petition and charting a way forward for the Diocese of Haiti in reconciliation and common purpose, and setting out principles and processes for the election of the Bishop Coadjutor.

The Covenant has been published previously. The Contestation has become public through its recent release to the Episcopal News Service. These documents may be found at the following link:

<https://www.episcopalchurch.org/library/document/contestation-haiti-election>

We therefore do not include either document as part of our Report of Findings.

The Report of Findings which follows is our response to the principal allegations brought by the Contestation. All of the particulars in the Contestation intend to support the larger allegation by the Contestants that Bishop Duracin exercised intentional and undue influence on the election of the Bishop Coadjutor to control the outcome of the election for his favored candidate and to preserve the control of leadership of the diocese for his party. The Contestants allege that this was done in direct violation of the Covenant and the Accord effected by the Presiding Bishop. Therefore, we do not propose to answer each allegation point by point but choose to respond to three primary areas of concern as raised in the Contestation.

I. THE ALLEGED “PACKING” OF THE CONVENTION ELECTORATE IN THE CLERICAL ORDER

In November 2017, there were 61 ordained ministers in the Diocese of Haiti in all orders. Less than six months later, in May 2018, there were 96. On November 8, 2017, Bishop Duracin ordained 17 Transitional Deacons and 18 Vocational, or Permanent, Deacons. This increased the number of clergy eligible to participate in the election of the Bishop Coadjutor by more than fifty percent.

The Contestants allege that the newly ordained clergy were intentionally raised up for ordination at this time from parishes, and/or with individuals which Bishop Duracin believed would support him and his favored candidate in the election. They also allege that these ordinations took place in the months leading up to the episcopal election in order to guarantee the election of Bishop Duracin's candidate, and they believe that the plans to have these electors in place by the 2018 election began several years earlier.

The ordination of 17 Transitional Deacons in a single year is, we believe, extraordinary and remarkable in the Diocese of Haiti. However, in response to our query, the Bishop and Standing Committee have told this court that all of these ordinands fulfilled the canonical process for ordination, are worthy candidates, and that their ordinations are in order.

The 18 Vocational Deacons are the first ever to be ordained in Haiti. Bishop Duracin explained that while Haiti is the Episcopal Church's largest diocese, it has so few clergy that most priests must oversee a number of parishes. Vocational Deacons are being introduced into the Diocese of Haiti at this time to help the priests with coverage for pastoral and sacramental ministries. The canonical requirements for ordination to the Vocational Diaconate in the Diocese of Haiti are less clear to us, because this is the first class of such Deacons, but we have been told that all of them met the diocesan requirements for ordination.

We cannot substantiate the Contestants challenges to Bishop Duracin's and the Haitian Standing Committee's assertion that all of these ordinations are lawfully and canonically valid. Nor do we wish to cast any aspersions on the suitability or preparation of the Deacons themselves. However, we believe that, even allowing for the presumed validity of the ordinations, the simple fact of the unprecedented number of them, increasing the clericus of the Diocese of Haiti by more than fifty percent in the final months before the episcopal election, prevents us from dismissing the larger allegation regarding Bishop Duracin's attempts to influence or control the results of the election of his successor.

FINDINGS:

The allegation that the high number of ordinations immediately prior to the electing convention took place in order to steer the electoral process is credible.

II. THE ALLEGED MANIPULATION OF THE ELECTORATE AND THE ELECTION

In an election which could be anticipated to be concluded with the smallest of margins, we find evidence of efforts on both sides of the conflict to manage those few votes which might swing the election in one direction or the other.

We have been provided with the canons of the Diocese of Haiti, and multiple documents created to regulate this election, all of which list the categories of lay and ordained people with eligibility to vote. We observe that the documents differ from one another and all differ from

the canons. The Contestants allege that changes were made in the terms of eligibility of individuals leading up to the election, together with evidence that some electors either had their eligibility taken from them preceding or during the electing convention itself or were threatened with ineligibility. They assert this as evidence of an attempt to gain control over those few votes which would determine the outcome of the election and to encourage electors to “vote the party line”. The Contestants further allege, and provide evidence, that parish delegates with the canonical right to vote were inappropriately denied ballots, and that at least one non-canonically resident priest was given a ballot. The Standing Committee of Haiti has provided explanations for each case cited by the Contestants and has detailed disruptive behavior by opposition delegates on the convention floor at the first convention justifying the denial of ballots to such delegates at the second convention. The Standing Committee also has attempted to demonstrate that, in any event none of these incidents would have changed the results of the final ballot of the election at which Father Délicat was selected.

In addition, Bishop Duracin and the Standing Committee provided evidence that a significant number of those in opposition to Bishop Duracin came to the convention and registered to vote, received ballots, and then refrained from voting or intentionally cast invalid ballots. They allege that this was done to increase the number of ballots required for an election (fifty percent plus one), while reducing the number of ballots cast, and that they did this to make a successful election unlikely. They allege that this tactic did in fact work in preventing an election at the May 2018 convention.

The Contestants also allege that both of the primary candidates on the ballot, the Ven. Joseph Kerwin Délicat and the Rev. Noé Bernier, are from the “Duracin party” in the diocese, and that the third candidate on the ballot, the Rev. Samuel Saint Louis, functioned as a place holder only, evidenced by his receiving no votes or a single vote across the seven ballots. The Contestants state that there was no member of the “opposition party” on the Search Committee, countering the spirit of the Covenant. In fact, two of the 13 appointments to the Search Committee and three of the 11 appointments to the Transition Committee were from the opposition party. All five resigned in protest over the imbalance in the committees and the factionalism of the search and transition process.

The Contestants also allege that the location to register and receive the badge required to enter the convention, and the location of the convention itself, were two kilometers apart, and that this was done to inconvenience, exhaust and discourage opposition voters. They also allege that delegates to the convention who supported Bishop Duracin were housed overnight in the facility where the convention took place, but delegates in the opposition were housed at a distant site and were not fed. They report that some opposition delegates were called into the office of the Bishop Diocesan during the period between the two elections. They allege incidents of bribery. They further report with alarm the presence of armed state police on the floor of the electing convention. Each of these allegations has been refuted, challenged or explained by the Bishop and Standing Committee.

The particulars of the allegations brought by each side against the other are too subtle, complex and numerous to explore in full in this report. We find evidence of attempts to control the election from both sides, though the preponderance of allegations has been brought by the Contestants. All of these efforts indicate a violation of the spirit of Provision 9 of the Covenant. We are concerned that the Covenant called for a process of reconciliation in the Diocese of Haiti precisely to lay the groundwork for a fair and free election, with the faithful of Haiti prepared to accept and support the Bishop-Elect. This has not happened, and we therefore make two findings.

FINDINGS:

(1) The evidence before us that the Covenant has not been fully honored and lived into by the Bishop Diocesan, the former Bishop Suffragan, and the Standing Committee of Haiti demands investigation, and we refer that finding to the Presiding Bishop.

(2) The allegation that the Bishop Diocesan interfered with the election, and that the election suffered from coercion and undue influence, is credible. There is fault on both sides, but the simple fact of the number and complexity of these allegations compounded by the failure of trust, suggests a deeply flawed election for which the Bishop Diocesan and Standing Committee are chiefly responsible.

III. SPECIFIC ALLEGATIONS AGAINST FATHER DÉLICAT

The Contestants allege the complicity of Father Délicat in a serious act of misconduct by another priest of the Diocese of Haiti. In assessing the fairness of this election, we sought to know two things: whether or not the allegations against Father Délicat were true, and whether the Standing Committee of Haiti had conducted a sufficient investigation of the allegation. We have been given clear documentary (stamped passport) proof that Father Délicat was not in Haiti at the time of the alleged offense, and we have been given sufficient evidence to demonstrate a substantial investigation of the charges by the Standing Committee.

FINDINGS:

In our judgment, barring evidence not heretofore brought before us, Father Délicat is exonerated of this charge.

IV. CONCLUSION

We find that the circumstances which characterized this election are all but unique. It is the usual experience of the church that episcopal elections, however narrowly they are decided, are trusted in their process and accepted in their conclusions, and that virtually all of the delegates who come to an election do so prepared to support and follow the person elected. This did not happen in Haiti.

This election took place in the context of a long-standing conflict which has been not at all mitigated by the Covenant established by the Presiding Bishop and agreed to by both factions, and this therefore has cast this election into doubt for a significant percentage of the people of the Diocese. We find that responsibility for the failure or violation of the Covenant belongs to a great many people, but the Bishop Diocesan in particular, as the chief pastor of his people who carries both the burden and the grace of the cure of souls for the people of his Diocese of Haiti.

In summary, we find:

(a) There is credible evidence that the Covenant among the Presiding Bishop and Bishops Duracin and Beauvoir has been ignored and violated by both sides, specifically with respect to Provision 9 of the Covenant relating to the election of a successor to Bishop Duracin;

(b) The allegations regarding efforts to manipulate, control, or unduly influence the election of the Bishop Coadjutor are credible; and

(c) The accusation of moral failure brought against Father Délicat is disproved.

With faith in Christ Jesus, and in fellowship and charity with the beloved bishops, clergy and people of the Diocese of Haiti, we submit this Report of Findings. It is with sincere hope, and ardent prayer that we ask you to join us in intercession for the healing of the Body of Christ, both in the Diocese of Haiti and in the wider community of faith that is the Jesus Movement in the Episcopal Church. With every good wish, we remain

Yours in the Name of Christ,

The Province II Court of Review

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The Right Reverend Andrew M.L. Dietsche	(Diocese of New York)
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