

RESOLUTION 1

RESOLUTION RATIFYING ACTION ADOPTING RESOLUTION 1 AT SPECIAL CONVENTION AND DECLARING NULL AND VOID CERTAIN PROVISIONS OF DIOCESAN CONSTITUTION AND CANONS AND RESOLUTIONS

WHEREAS, some of the former leadership of the Episcopal Diocese of Fort Worth embarked on a plan to leave the Episcopal Church and purportedly for the Diocese to dissolve its affiliation with the Episcopal Church; and

WHEREAS, in a series of Annual Diocesan Conventions steps were taken by diocesan leadership to modify the Diocesan Constitution and Canons in furtherance of that plan, and in 2007 and 2008 a majority of the delegates voted in favor of certain changes to the Diocesan Constitution and Canons and passed a Resolution, all in an attempt to effect their plan to leave the Episcopal Church; and

WHEREAS certain of those actions are null and void on their face because they are in contravention of the Constitution and/or Canons of the Episcopal Church and/or applicable law and thus are unenforceable, including but not limited to the attempted unilateral disassociation of the Diocese itself from the Episcopal Church, a continuing claim of former diocesan leadership to church property in the Diocese, and an attempted affiliation of the Diocese with the Anglican Province of the Southern Cone; and

WHEREAS, at the Special Meeting of the Convention on February 7, 2009 the Convention adopted Resolution 1 and acknowledged that the need existed to immediately declare those actions to be unenforceable until such time as those governing documents can be formally amended to bring them into conformity with the Constitution and Canons of the Episcopal Church, as provided in the Diocesan Constitution and Canons, beginning at the next Annual Diocesan Convention in 2009; and

WHEREAS, at this Annual Meeting of the Convention, which is the first annual meeting following the illegal actions taken at the November 15, 2008 Annual Meeting of the Convention and following the Special Meeting of the Convention on February 7, 2009, the Convention will be able to amend the canons under Diocesan Constitution Article 18 to delete the illegal provisions of the canons to be effective upon adjournment of this meeting but will only be able to cast the first of two votes required under Diocesan Constitution Article 19 to amend the provisions of the Constitution to delete the illegal provisions to be effective at the adjournment of the Convention's annual meeting in 2010; and

WHEREAS the Convention desires to reaffirm and ratify its action taken at the Special Meeting of Convention on February 7, 2009 in its adoption of Resolution 1 to declare certain provisions of the Constitution, Canons, and Resolutions purportedly adopted as of November 15, 2008 to be null and void and unenforceable from their inception; and

WHEREAS the Convention further desires to declare that the illegal provisions of the Constitution that cannot be formally amended until the Annual Meeting of the Convention in 2010 be declared null and void and unenforceable until they are formally amended.

BE IT THEREFORE RESOLVED, that the Convention reaffirms and ratifies its action taken at the Special Meeting of Convention on February 7, 2009 in its adoption of Resolution 1 to declare the following certain provisions of the Constitution, Canons, and Resolutions to be null and void and unenforceable from their inception; and

BE IT FURTHER RESOLVED, that the Convention further declares that during the time between this Annual Meeting of Convention in 2009 and the Annual Meeting of Convention in 2010, the following illegal provisions of the Constitution that cannot be formally amended until the Annual Meeting of the Convention in 2010 be and are hereby declared null and void and unenforceable until they are formally amended:

Reference	Unenforceable Provision	Reason
Constitution: Preamble (revised 2008)	Deletion of the phrase: "The Episcopal Church, resident in that portion of the State of Texas constituting what is known as . . ."	The Diocese needs geographic boundaries to determine jurisdiction, in conformity with historic understanding of the episcopacy. The provision also needs a reference to Lay and Clergy as being members of the Episcopal Church.
Constitution Article I— Anglican Identity (revised 2008)	Entire Article	The Article deletes all reference to the diocese as a constituent diocese in The Episcopal Church and the authority of its General Convention.
Constitution Article I— Authority of General Convention (revised 1997)	Inclusion of the phrase: ". . ., provided that no action of General Convention which is contrary to Holy Scripture and the Apostolic Teaching of the Church shall be of any force or effect in this Diocese."	Episcopal Church Constitution Article V.1 requires the diocese to maintain an unqualified accession to the Constitution and Canons of the Episcopal Church. See July 25, 2007 Resolution of the Executive Council of the Episcopal Church.
Constitution Article 18— Canons (revised 2008)	Deletion of the phrase: ". . . and the Constitution and Canons of the Episcopal Church," in the first sentence.	Episcopal Church Constitution Article V.1 requires the diocese to maintain an unqualified accession to the Constitution and Canons of the Episcopal Church. See July 25, 2007 Resolution of the Executive Council of the Episcopal Church.

Submitted by: The Constitution and Canons Committee

EXPLANATION:

Under Constitution Article 18 the illegal provisions of the canons can be amended effective the adjournment of the Convention. However, it takes votes in two consecutive Annual Conventions to amend the Constitution. This resolution continues the February 7, 2009 declaration of Resolution 1 to declare the illegal provisions of the Constitution to be null and void and unenforceable as we await the second vote at the Annual Convention in 2010 to formally remove that illegal language from the Constitution that is inconsistent with the Church Constitution and canons.