



REPORT OF THE
CONSTITUTION AND CANONS COMMITTEE

EPISCOPAL DIOCESE OF FORT WORTH
ANNUAL CONVENTION
NOVEMBER 13-14, 2009

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	Episcopal Church Constitution Article V.1 requires the diocese to maintain an unqualified

	sentence.	accession to the Constitution and Canons of the Episcopal Church. See July 25, 2007 Resolution of the Executive Council of the Episcopal Church.
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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.

REPORT ON AMENDMENTS TO THE CONSTITUTION AND CANONS

A critical task for the continuing diocese is to correct the errors and remove the illegal provisions inserted by former diocesan leadership in the Constitution and canons of the Diocese. Because the meeting of the diocesan convention held on February 7, 2009 was a special meeting rather than an annual meeting of the Convention, the Convention was limited to identifying and declaring null and void certain portions of the 2008 diocesan Constitution and canons which were not in accordance with the Constitution and canons of The Episcopal Church. The Convention adopted Resolution 1 for this purpose. However, at this annual meeting the Convention can actually amend these governing documents to achieve this required compliance.

Following the special convention, the committee has been preparing formal amendments to the Constitution and canons to propose to the annual meeting of Convention on November 13-14, 2009. The primary task is to place our Constitution and canons in compliance with those of The Episcopal Church. At the same time we have been looking at possible changes to make the diocese operate more efficiently and to be more inclusive. The Episcopal Church Constitution and canons do allow some flexibility in the way dioceses govern themselves. Thus, we have also investigated and propose means for increased involvement of the laity and youth to enhance the vitality and mission of the continuing diocese. We have studied the constitutions and canons of many other dioceses and consulted with persons with special expertise and interest in various canons under consideration.

As a result of its work, the Committee proposed changes which were published in a preliminary report and posted for comment in early July 2009. Public hearings on these changes were included in the deanery meetings held in August 2009 and again in the pre-Convention deanery meetings across the Diocese. In addition, a public hearing is scheduled for Friday, November 13, 2009 on the first day of the Annual meeting of the Convention, prior to the vote on November 14, 2009. The Committee deeply appreciates the input and interest of so many from across the Diocese as we listen to each other and work together to bring our Constitution and canons into compliance with Church governance and also to reflect the mission and vision of our Diocese.

The Committee proposes amendments to the Constitution (**ATTACHMENT A and A-R**), pursuant to Constitution Article 19, and to the canons (**ATTCHMENT B and B-R**), pursuant to Constitution Article 18. An explanation and summary of proposed amendments is given below.

General

- References to bishops and priests as male now refer to male or female;
- References to the “Department of Finance” are changed to “Finance Committee;”
- Consistent use of defined terms in the Constitution’s Preamble;
- Adds subheadings in Canons for easier navigation; and
- Reverses the 2008 changes and reinstates prior language to conform to the Constitution and Canons of The Episcopal Church (Resolution 1).

Constitution (First vote in 2009, not effective until second vote in 2010):

- **Preamble**—Reinstates pre-2008 language, better defines consistent terms used in the Constitution and Canons.
- **Article 1**—Reinstates required language for unqualified accession to Episcopal Church Constitution and Canons and General Convention
- **Article 2**—Provides that if there is no rector or vicar, the senior warden shall fill vacancies in convention delegates.
- **Article 8**—Deletes language regarding one vote of each member of Convention, already addressed in Canon 1.
- **Article 12**—Reinstates provision for deputies to General Convention
- **Article 18**—Reinstates language that Canons must be consistent with Episcopal Church Constitution and Canons
- **Article 19**—Corrects error from 2007-08, now provides that amendments are effective immediately upon adjournment, consistent with changes to Canons in Article 18.

Canons:

- **Canon 1**—Adds procedures to permit each congregation to send a Youth Representative in its delegation convention, with seat and voice. The Youth Reps would caucus prior to convention to elect three (3) of their members to be voting delegates;
- **Canon 3**—Corrects error regarding procedures at Conventions;
- **Canons 4 and 10**—States that the Secretary of the Diocese would also serve as secretary for the Executive Council; reinstated language regarding reporting, records for The Episcopal Church;
- **Canon 5**—Provides qualifications for Treasurers and Assistant Treasurers;
- **Canon 6**—Clarifies Chancellor's relationship to parishes;
- **Canon 9**—Deletes the requirement that the President of the Standing Committee be a Clerical member; reinstates language incorporating duties from Episcopal Church Canons
- **Canon 10**—Reformatted; adds a section to formally create a Risk Management Committee as a part of the Executive Council; provides for Sub-deans as non-voting members of Executive Council;
- **Canons 11**—Reinstates pre-2008 language;
- **Canon 13**—Combines Canon 44 into Canon 13 since they both address work of the Commission on Ministry. Canon 13 will call for the appointment of three (3) committees: a new separate one for Ministry of the Laity, one for Ministry of the Diaconate and one for Ministry of the Priesthood;

- **Canon 18**—Deletes the provisions denying The Episcopal Church and diocesan interest in parish property, which violates the Dennis Canon;
- **Canons 21, 22**—Reinstates the oaths to The Episcopal Church for new congregations;
- **Canon 25**—Permits vestry to elect Senior Warden if the parish is without a rector;
- **Canon 27, 29**—Reinstates reporting, business procedures to The Episcopal Church;
- **Canon 29**—Reinstates provisions on insurance and authority of the Risk Management Committee;
- **Canon 31**—Reinstates language regarding corporation consistent with Episcopal Church Canons;
- **Canon 32**—Deletes some sections; refers to the procedures for disputes between parish and rector that are provided in Episcopal Church Canons;
- **Canon 35**—Clarifies terms, provides for lay or clerical dean;
- **Canon 36**—Reinstates pre-2008 language that the Church Pension Fund is the approved pension system;
- **Canons 38, 39**—Reinstates pre-2008 language, procedures for ecclesiastical discipline;
- **Canon 42**—Reinstates pre-2008 language regarding Episcopal Church declaration of clergy; and
- **Canon 45**—Creates a nominating committee with diocesan representation for diocesan offices; Bishop retains nomination of Treasurer, Chancellor and Commission on Ministry.

REPORT ON DEACONS VOTING

The issue of allowing deacons to vote at convention remains unsettled. This is evidenced by the fact that about half of the dioceses in The Episcopal Church do and half do not. Our Canons were amended to provide that deacons do not vote. There are good arguments on both sides. The Commission on Ministry continues to develop its approach to the ministry of the diaconate in our diocese, including whether deacons should have a formal vote in Church governance. Thus awaiting further discernment from the Diocese and the Commission on Ministry, no proposal on the matter of deacons voting is made by the committee at this time. We recommend that this issue needs targeted study and discernment in the coming year.

REPORT ON CANON 43

CANON 43 OF HOLY MATRIMONY

Section 43.1 As used in this Diocese, the terms “Holy Matrimony” and “Marriage” are defined as the exclusive physical and spiritual union of one man and one woman, by mutual consent of the heart, mind and will, and with the intent that it be lifelong.

Section 43.2 The blessing of same-sex unions is prohibited in churches, missions and congregations of this Diocese; and clergy resident or licensed in this Diocese are prohibited from performing such blessings in any venue.

Adopted November 2006

This Diocese has not explored the suggestions of Lambeth Conference 1998, Resolution I.10 on Human Sexuality, which called for a listening process whereby diverse views and experiences of human sexuality are discussed, and also called for all our people to minister pastorally and sensitively to all irrespective of sexual orientation. This resolution remains fundamental as the standard of teaching on matters of sexuality in the life of the Communion. It also offers an acknowledgement that while there are divergent views on this issue the discussion has to go on.

General Convention 2009 passed Resolution D025 which called for such by stating “That this Convention honor the theological diversity of this Church in regard to matters of human sexuality (and) that the members of this Church be encouraged to engage in this effort.”

Also at General Convention 2009 Resolution C056 stated “. . . that members of The Episcopal Church as of the Anglican Communion, based on careful study of the Holy Scriptures, and in light of tradition and reason, are not of one mind, and Christian of good conscience disagree about some of these matters.”

Since Canon 43 has given rise to an area which has been off limits for discussion in this Diocese, it is ultimately important that we, as a Diocese, invest time in open hearings, discussion, and listening which offers respect to all sides of this issue.

Therefore the Constitution and Canons Committee respectfully recommends that no action be taken on Canon 43 until a listening process can produce an appropriate replacement.

This listening process would be partially implemented at the deanery level and would include, but not be limited to the following areas:

- the requests called for in the Lambeth (1998) Resolution I.10

- the implications of Baptismal theology
- the anthropological implications surrounding sexual differences and marriage
- the psychological and physiological implications surrounding sexual differences
- the review of scriptural text and exegeses thereof on this issue
- to provide speakers such as The Right Rev. Anthony Burton, Rector of the Church of the Incarnation in Dallas, and Timothy K. Sedgwick, Ph.D., Associate Dean and Professor at Virginia Theological Seminary, to provide informed discussion on sexuality and to update us on the thoughts of the Church
- the implications derived from our State law
- the implications in regard to the proposed Anglican Covenant

Then once this process is complete, we would follow the call of The Archbishop of Canterbury, Dr. Rowan Williams, when he said “Having listened, how can we act in the spirit of listening?”