

MEMORANDUM

September 5, 2008

To: House of Bishops

From: Task Force on Property Disputes

Re: Abandonment of the Communion of The Episcopal Church by Bishop Robert Duncan

Introduction

The Task Force on Property Disputes¹ first reported to the House of Bishops of The Episcopal Church (TEC) in a Memorandum entitled “Connecting the Dots” and dated April 9, 2007. In that Memorandum, the Task Force documented a “well thought-out, well-organized, and well-funded strategy designed to enable and justify the removal of assets from use for the Church’s mission and ministry in the world.”

The strategy has continued to unfold since the 2007 Memorandum. In addition to what was presented then, an extensive review of additional documents reveals that Bishop Robert Duncan has consistently led the Diocese of Pittsburgh toward executing the strategy reported in the 2007 Memorandum.² On the basis of these actions, and extensive documentary evidence, the Title IV Review Committee certified to the Presiding Bishop on December 15, 2007 that Bishop Duncan had “abandoned the communion of this church by an open renunciation of its Doctrine, Discipline or Worship.” The Presiding Bishop notified Bishop Duncan of the certification on January 15, 2008.

Bishop Duncan has Actively Crossed the Line of Leaving The Episcopal Church

During **July and August of 2008**, Bishop Duncan has conclusively completed his own separation from TEC, and has so admitted in documents submitted on his behalf in the case of *Calvary Episcopal Church v. Duncan*, Case No. GD-03-020941 (Court of Common Pleas of Allegheny County, Pennsylvania).³ Canon IV. 9 of the *Constitution*

¹ The Task Force members are Bishops Jon Bruno, Mark Hollingsworth, William Persell, Stacy Sauls, and Dean Wolfe. Bishops Marc Andrus, Philip Duncan, and James Mathes participate in the discussions of the Task force. Bishop Sauls is the chair. The bishops are advised by 15 volunteer lawyers.

² He has advocated that the Diocese of Pittsburgh withdraw from TEC and align with another Province (Appendix A), been the driving force in separating the Diocese of Pittsburgh from TEC (Appendix B), formed alliances with churches neither subject to TEC nor a part of the Anglican Communion (Appendix C), and shown an undeterred intention to separate himself and the Diocese of Pittsburgh from TEC (Appendix D).

³ Those documents are Answer and New Matter to Plaintiffs’ Supplement to December 19, 2006 Petition served on behalf of Defendants on August 4, 2008 (posted at <http://prothonotary.county.allegheny.pa.us/CaseDetails.asp?AnotherCaseID=TRUE&CaseID=GD-03->

and *Canons of The Episcopal Church (2006)* defines abandonment as the “open renunciation of the . . . Discipline of . . . this Church.” He has conclusively admitted doing so in sworn statements quoted below. It is not necessary that he have formally joined another Church, merely that he have renounced the discipline of this one to constitute an abandonment within the meaning of the Canon. Furthermore, even if he has joined a Church in communion with this Church, it alters not the least that he has abandoned the communion of “this Church,” and as his admissions indicate, the real crux of the matter is that he is encouraging and actively leading communicants of this Church to do so.

All of the following statements have been *sworn by Bishop Duncan to be true* (see Appendix F⁴):

- “Bishop Duncan has proposed that the Diocese amend its Canons to align with the Southern Cone Province.” (REQUEST FOR ADMISSION No. 2)
- “Bishop Duncan has created a new Pennsylvania corporation called ‘The Episcopal Diocese of Pittsburgh.’” (REQUEST FOR ADMISSION No. 8)⁵
- “If the 2008 Annual Convention of the Diocese votes in favor of realignment, Bishop Duncan intends to claim he heads the Episcopal Diocese of Pittsburgh even if he and his followers are not part of TEC.” (REQUEST FOR ADMISSION No. 12)⁶

020941&ComingFromWelcomeScreen=&BeginDate=&EndDate=&From=) and Defendants’ Answers to Plaintiff’s Requests for Admissions Related to Petition for Enforcement of Order Dated October 14, 2005 and served on August 8, 2008. The Answers to the Requests for Admission were sworn to by Bishop Duncan *see* Appendix E).

⁴ In the *Calvary* lawsuit filed in Pennsylvania, under the applicable rules, a party has the right to ask questions of the opposing party. The answers to those questions, referred to as “Admissions” are sworn to be true and correct and conclusively established as a matter of law.

⁵ This document can be found as Exhibit 6 in the Supplement to December 19, 2006 Petition for Enforcement of Stipulation and Order; Request for Appointment of a Monitor to Inventory and Oversee Property Held or Administered by the Episcopal Diocese of Pittsburgh to Assure Compliance with this Court’s Order of October 14, 2005; and Request for Creation of an Additional Escrow Account(s) filed in the Court of Common Pleas of Allegheny county, Pennsylvania on July 7, 2008 (posted at <http://prothonotary.county.allegheny.pa.us/CaseDetails.asp?AnotherCaseID=TRUE&CaseID=GD-03-020941&ComingFromWelcomeScreen=&BeginDate=&EndDate=&From=>).

⁶ This is exactly the strategy suggested in the “Chapman Memo” and other documents contained in the Memorandum to the House of Bishops from the Task Force on Property Disputes entitled “Connecting the Dots” and dated April 9, 2007. Evidence now exists that, at “a meeting of the clergy of the Diocese of Pittsburgh in January, 2004 . . . Bishop Robert Duncan acknowledged the December 28, 2003 Memorandum prepared by Geoffrey Chapman that had been published in the *Washington Post*. In addition, Bishop Duncan stated that he had asked Geoffrey Chapman to prepare such a Memorandum and that such memorandum was nothing that hadn’t been talked about. At the same meeting, Bishop Duncan stated to the clergy that he had transferred to a foreign diocese David Brannen, so that he can serve against the Bishop of Kentucky. David Brannen was a priest who had been ordained in the Diocese of Pittsburgh.” (Verification of Rev. Diane Shepard dated November 15, 2007 to Exhibit 25 as presented to the Review committee by letter dated November 2007.)

- “The goal of creating an organization operating separately from The Episcopal Church was reflected in [in the deletion of accession to the Constitution of TEC from the Constitution of the Diocese of Pittsburgh].” (Paragraph 14 of Answer and New Matter to Plaintiffs’ Supplement to December 19, 2006 Petition)⁷
- “Bishop Duncan encouraged the November 2007 Annual Convention of the Diocese to vote to formally separate the Diocese from TEC at the 2008 Annual Diocesan Convention.” (REQUEST FOR ADMISSION No. 13)
- “Under the leadership of Bishop Duncan, the November 2007 Annual Convention . . . passed a resolution (“Resolution One”) to eliminate the Diocese’s ties to TEC.” (REQUEST FOR ADMISSION No. 18) [It was, in fact, Bishop Duncan’s duty to rule the resolution out of order, an action he refused to take.]
- “Passage of Resolution One [deleting the accession clause] by the 2007 Diocesan Convention was supported by Bishop Duncan.” (REQUEST FOR ADMISSION No. 20)
- “Bishop Duncan supported passage, by the 2007 Annual Diocesan Convention, of the following amendments to the Diocesan Canons (hereinafter the ‘Canon Amendments’): [so as to allow the Diocese of Pittsburgh to affiliate with any Province of the Anglican Communion, to allow any parish in any part of the country or world to be a part of the Diocese of Pittsburgh, and to allow such parishes to be admitted to the Diocese of Pittsburgh without recognizing the authority of TEC].” (REQUEST FOR ADMISSION No. 24)
- “Since November 2007, Bishop Duncan has, in fact, been engaged in ‘working through the details of what would be involved in realigning the diocese with another province of the Anglican Communion.’” (REQUEST FOR ADMISSION No. 42)
- “Bishop Duncan has used Diocesan funds to plan and/or make arrangements for attempted Realignment of the Diocese with another province of the Anglican Communion.” (REQUEST FOR ADMISSION No. 43)
- “Bishop Duncan agrees with the statement that the Diocese of Pittsburgh has no choice but to leave TEC.” (REQUEST FOR ADMISSION No. 49)
- “During the Diocesan Council Meeting of March 4, 2008, Bishop Duncan distributed or caused the distribution of materials about provinces of the Anglican

⁷ Filed in the Court of Common Pleas of Allegheny County, Pennsylvania on August 4, 2008 (posted at <http://prothonotary.county.allegheny.pa.us/CaseDetails.asp?AnotherCaseID=TRUE&CaseID=GD-03-020941&ComingFromWelcomeScreen=&BeginDate=&EndDate=&From=>).

Church with which, in his view, the Diocese may choose to affiliate or ‘align’ upon separation from TEC.” (REQUEST FOR ADMISSION No. 50)⁸

- “Bishop Duncan has communicated with the Archbishop of the Province of the Southern Cone to seek to have the Diocese become a member of that Province if the 2008 Diocesan Annual Convention votes in favor of Realignment.” (REQUEST FOR ADMISSION No. 54)
- “Bishop Duncan participated in drafting the Realignment Resolutions.” (REQUEST FOR ADMISSION No. 56) [The Realignment Resolutions are included as Appendix F.]
- “Bishop Duncan supports passage of the Realignment Resolutions . . . by the 2008 Diocesan Annual Convention.” (REQUEST FOR ADMISSION No. 65)
- “Bishop Duncan’s plans for Realignment contemplate that after Realignment ‘every parish of the Diocese will no longer be a part of The Episcopal Church.’” (REQUEST FOR ADMISSION No. 70)
- “Bishop Duncan has used Diocesan funds and resources . . . to elicit support from parishes in the Diocese for attempted Realignment of the Diocese.” (REQUEST FOR ADMISSION No. 95)
- “Bishop Duncan has used Diocesan funds and resources . . . to elicit support from others outside the Diocese for attempted Realignment of the Diocese.” (REQUEST FOR ADMISSION No. 99)
- “Bishop Duncan has used Diocesan funds and resources . . . to elicit support from others outside TEC for attempted Realignment of the Diocese.” (REQUEST FOR ADMISSION No. 103)
- “Bishop Duncan has used Diocesan funds and resources . . . to elicit support from representatives of foreign provinces of the Anglican Communion for attempted Realignment of the Diocese.” (REQUEST FOR ADMISSION No. 107)
- “On or about May 18-19, 2008, Bishop Duncan narrated and distributed at the Diocesan Leadership retreat for the leaders of the Diocese the Power Point

⁸ These materials can be found as Exhibit 4 in the Supplement to December 19, 2006 Petition for Enforcement of Stipulation and Order; Request for Appointment of a Monitor to Inventory and Oversee Property Held or Administered by the Episcopal Diocese of Pittsburgh to Assure Compliance with this Court’s Order of October 14, 2005; and Request for Creation of an Additional Escrow Account(s) filed in the Court of Common Pleas of Allegheny County, Pennsylvania on July 7, 2008 (posted at <http://prothonotary.county.allegheny.pa.us/CaseDetails.asp?AnotherCaseID=TRUE&CaseID=GD-03-020941&ComingFromWelcomeScreen=&BeginDate=&EndDate=&From=>).

presentation [supporting Realignment].” (REQUEST FOR ADMISSION No. 119)⁹

- “On or about May 18-19, 2008, at the Diocesan Leadership retreat for leaders of the Diocese, Bishop Duncan used and made available for distribution on a CD the document entitled ‘Frequently Asked Questions About Realignment.’” (REQUEST FOR ADMISSION No. 120)¹⁰
- “During the 2008 Diocesan Annual convention on or about October 4, 2008, Bishop Duncan intends to support passage upon second reading the Amendment of the Accession Clause and passage of the Realignment Resolutions.” (REQUEST FOR ADMISSION No. 121)
- “The . . . separation of the Diocese is highly likely to occur at the Diocesan Annual Convention on October 4, 2008, where the second reading of the Amendment of the Accession Clause and the passage of Resolutions One, Two and Three of 2008 . . . [the Realignment Resolutions] are expected to occur.” (Paragraph 13 of Answer and New Matter to Plaintiffs’ Supplement to December 19, 2006 Petition¹¹)

Conclusion

The dots are all connected. Bishop Duncan has very carefully planned and executed a strategy to remove the Episcopal Diocese of Pittsburgh, as well as its assets and the assets of its parishes sympathetic to his viewpoints, from TEC. At this point, there is no doubt that Bishop Duncan has left The Episcopal Church.

The one and only question before the House of Bishops at this point is whether or not we allow Bishop Duncan to do irreparable damage to the Body by ignoring the reality of the situation. The Task Force believes the duty of the House of Bishops is to the Body

⁹ The Power Point presentation is found as Exhibit 7 to Supplement to December 19, 2006 Petition for Enforcement of Stipulation and Order; Request for Appointment of a Monitor to Inventory and Oversee Property Held or Administered by the Episcopal Diocese of Pittsburgh to Assure Compliance with this Court’s Order of October 14, 2005; and Request for Creation of an Additional Escrow Account(s) filed in the Court of Common Pleas of Allegheny County, Pennsylvania on July 7, 2008 (posted at <http://prothonotary.county.allegheny.pa.us/CaseDetails.asp?AnotherCaseID=TRUE&CaseID=GD-03-020941&ComingFromWelcomeScreen=&BeginDate=&EndDate=&From=>).

¹⁰ The “Frequently Asked Questions About Realignment” is found as Exhibit 5 to Supplement to December 19, 2006 Petition for Enforcement of Stipulation and Order; Request for Appointment of a Monitor to Inventory and Oversee Property Held or Administered by the Episcopal Diocese of Pittsburgh to Assure Compliance with this Court’s Order of October 14, 2005; and Request for Creation of an Additional Escrow Account(s) filed in the Court of Common Pleas of Allegheny County, Pennsylvania on July 7, 2008 (posted at <http://prothonotary.county.allegheny.pa.us/CaseDetails.asp?AnotherCaseID=TRUE&CaseID=GD-03-020941&ComingFromWelcomeScreen=&BeginDate=&EndDate=&From=>).

¹¹ Filed in the Court of Common Pleas of Allegheny County, Pennsylvania on August 4, 2008 (posted at <http://prothonotary.county.allegheny.pa.us/CaseDetails.asp?AnotherCaseID=TRUE&CaseID=GD-03-020941&ComingFromWelcomeScreen=&BeginDate=&EndDate=&From=>).

and that it has been presented with every reason to protect the Body by voting affirmatively in support of the Review Committee's certification of abandonment at the earliest opportunity.