

VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

In re:)
Multi-Circuit Episcopal Church) **Civil Case Numbers:**
Litigation) CL 2007-248724,
) CL 2006-15792,
) CL 2006-15793,
) CL 2007-556,
) CL 2007-1235,
) CL 2007-1236,
) CL 2007-1237,
) CL 2007-1238,
) CL 2007-1625,
) CL 2007-5249,
) CL 2007-5250,
) CL 2007-5362,
) CL 2007-5363,
) CL 2007-5364,
) CL 2007-5682,
) CL 2007-5683,
) CL 2007-5684,
) CL 2007-5685,
) CL 2007-5686,
) CL 2007-5902,
) CL 2007-5903, and
) CL 2007-11514

Videotape Deposition Designations of Bishop Katharine Jefferts Schori

Tuesday, October 30, 2007

New York, New York

4:13 p.m.

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1 THE VIDEOGRAPHER: This is the video
2 operator speaking, David Piloza from LAD
3 Reporting. Today's date is October 30, 2007.
4 The time is 4:13 p.m.
5 We are at 815 Second Avenue, New
6 York City, for the deposition of Bishop Katharine
7 Jefferts Schori in the matter Multi-Church
8 Episcopal Church Property Litigation.
9 I would like the attorneys to

10 introduce themselves, starting with Mr. Coffee.

11 MR. COFFEE: This is Gordon Coffee
12 of Winston & Strawn for the Falls Church.

13 MR. PETERSON: George Peterson for
14 Truro Church and related trustees.

15 MS. CHO: Soyong Cho, for the
16 Episcopal Church.

17 MR. DAVENPORT: Brad Davenport,
18 Episcopal Diocese of Virginia.

19 MS. ANDERSON: Heather Anderson for
20 the Episcopal Church.

21 THE VIDEOGRAPHER: You may now swear
22 the witness.

7

1 THE COURT REPORTER: Please raise
2 your right hand.

3 Do you solemnly swear that the
4 testimony you are about to give is the truth,
5 whole truth and nothing but the truth?

6 THE WITNESS: Yes.

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14 A. In particular, no.

15 Q. Have you put any roadblocks in the way
16 of congregations that may want to disaffiliate
17 with the episcopal Church?

18 A. I don't believe so.

19 Q. Now, would you agree that many
20 congregations who leave the Episcopal Church wish
21 to use the same church buildings after their
22 departure?

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1 A. I think that is fair.

2 Q. Your predecessor, Frank Griswald, viewed
3 property ownership as an internal diocesan
4 matter; did he not?

5 MS. ANDERSON: Objection to the form
6 and foundation.

7 A. No -- I think you would have to ask him
8 that question.

9 Q. Were you aware what policy he had with
10 respect to property ownership issues?

11 MS. ANDERSON: Objection to the
12 form, foundation.

13 A. I never had to deal with such an issue
14 as a Diocesan Bishop, so I never had great reason
15 to investigate.

16 Q. But when you became Presiding Bishop,
17 did you become aware of any prior policy by your
18 predecessor with respect to the authority of a
19 local diocese to negotiate church property issues
20 with a departing congregation?

21 A. My understanding is that he interfered
22 relatively little in that.

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1 Q. In fact, his view was that the local
2 Bishop had the authority to negotiate with any
3 congregations that wanted to leave over the
4 disposition of the church buildings; correct?

5 MS. ANDERSON: Objection to the
6 form.

7 A. I cannot respond in a full way to that.
8 I haven't interviewed him about this subject.

9 Q. Would you agree that resolution of
10 property issues with respect to local church
11 property is a diocesan matter?

12 A. Not completely.

13 MR. COFFEE: Please mark this.

14 (Article marked for identification
15 KJC Exhibit 5.)

16 Q. Bishop Jefferts Schori, I have handed you
17 an article from the Living Church Foundation.

18 A. It is actually from the Living Church
19 Magazine, but, yes.

20 Q. It may be magazine, I am just looking at
21 the heading, it says Living Church Foundation.

22 What affiliation, if any, does the

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1 Living Church Foundation have with the Episcopal
2 Church?

3 A. It's its own institution. It has no
4 formal relationship. It is not an organ of the
5 church.

6 Q. So you would disagree with the notion
7 that the Living Church presents news and views of
8 the Episcopal Church?

9 A. No, I wouldn't, but it is not an
10 official organ of the Episcopal Church. It is a

11 separate institution.

12 Q. But it is a vehicle by which officials
13 within the Episcopal Church can present their
14 views; correct?

15 A. Well, in the same way that the New York
16 Times is.

17 Q. Would you not agree that the Episcopal
18 Church officials have preferred it to speak
19 through the Living Church Foundation, as opposed
20 to the New York Times?

21 A. No, I think it depends on the official,
22 probably more likely to use Episcopal Life, which

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1 is a house organ.

2 Q. Let me ask you to look at the particular
3 article that I have given you, which is dated
4 January 24, 2007.

5 A. Uh-hu.

6 Q. You are welcome to read the entire
7 document. I would like to refer you, however, to
8 the top of the second page.

9 The first sentence says, quote,
10 "Circumstances have changed since last year,
11 Bishop Jefferts Schori said, with then Presiding
12 Bishop Frank Griswald told a clergy gathering in
13 the Diocese of Western Louisiana that church
14 property ownership should be for primarily
15 internal diocesan matters, and that nothing in
16 the so-called Denis Canon prevented a diocese and
17 congregation from reaching an amicable purchase
18 price for Church buildings."

19 Did you, indeed, tell this foundation or
20 its magazine writer that circumstances have
21 changed since the previous year?

22 A. I have no direct knowledge of that

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1 meeting in the Diocese of Western Louisiana. The
2 reporter put that together with whatever I said.

3 Q. Well, are you saying you did not attend
4 the clergy gathering in the Diocese of Western
5 Louisiana?

6 A. Correct, and I have no direct knowledge
7 of it.

8 Q. I am not sure what you mean by "direct

9 knowledge."

10 A. Well, I have never talked to anybody
11 about that meeting. I don't know what Frank
12 Griswald said at that the meeting. I wasn't
13 there. I didn't read reports of it.

14 Q. Did you tell the reporter that
15 circumstances have changed since last year?

16 A. I very well may have.

17 Q. And what circumstances did you have in
18 mind?

19 A. There was a new Presiding Bishop. I
20 think I have been clear in my policy about church
21 property.

22 Q. What is your policy?

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1 A. That dioceses may negotiate a fair price
2 with those who wish to purchase church property.
3 We have a fiduciary responsibility to see that
4 that happens, but I will not encourage those who
5 wish to do so to find such a resolution with the
6 diocesan leadership if they plan to affiliate
7 with another part of the Anglican Communion.

8 Q. If the departing congregation were to
9 chose to affiliate with some other organization,
10 would you encourage that?

11 A. In that case, I am less interested. I
12 believe the national church has relatively little
13 interest if the congregation wishes to leave and
14 become a community church, if the diocese
15 negotiates a fair price.

16 Q. Now, when you say circumstances have
17 changed since last year, one change identified
18 was your ascension as Presiding Bishop?

19 A. I wouldn't use that word.

20 Q. I am sorry, investiture?

21 A. Yes.

22 Q. Since your investiture as Presiding

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1 Bishop, what other circumstances have changed or
2 did you have any other changes in mind?

3 A. I don't recall the context of this
4 interview. What else has changed since last
5 year, I think the level of acrimony is greater in
6 some places. There have been more incursions by

7 foreign Bishops.

8 Q. Now, according to the same page, third
9 paragraph, it says, quote, "The rise of the
10 Convocation of Anglicans in North American, CANA,
11 is a further provocation to the territorial
12 integrity of the Episcopal Church, according to
13 Bishop Jefferts Schori, who says the Church's
14 policy has no way of recognizing itself in
15 communion with such jurisdictional entities."

16 Did you refer to the rise of CANA as a
17 further provocation?

18 A. I don't recall exactly. We probably did
19 talk about CANA and its interesting presence in
20 the United States. I certainly did say something
21 about the Episcopal Church's policy having no way
22 of recognizing another branch of the Anglican

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1 Communion in our territory.

2 Q. Did you use the word "provocation"?

3 A. I don't remember. As you could see, it
4 is not in quotes.

5 Q. But do you view the rise of CANA as a
6 provocation?

7 A. I think it is unhelpful.

8 Q. Do you view CANA as a threat to the
9 Episcopal Church?

10 A. Not in the large sense, no.

11 Q. In any sense?

12 A. It is a challenge. It is confusing to
13 parishioners. It is confusing to anyone outside
14 of the church who don't understand that from the
15 earliest days of the church there has been an
16 understanding that a Bishop has authority in a
17 geographic area, and for another Bishop to enter
18 that territory, it is exceedingly inappropriate.

19 Q. To what extent are you concerned that
20 other congregations might chose to follow and
21 join CANA?

22 A. I'm less concerned about that than I am

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1 about confusion of those within the Episcopal
2 Church and those outside of the Episcopal Church.

3 Q. Now, the next sentence in the same
4 paragraph, that is paragraph 3, says, "The

5 development of rival, US-based Anglican
6 dioceses" --
7 A. Dioceses.
8 Q. Thank you.
9 "Under the oversight of overseas
10 Primates, was one of the primary reasons she says
11 that she is willing to pursue litigation
12 regarding property that both the Diocese of
13 Virginia and 11 departing congregations believe
14 that they legally own."
15 Did you make that statement to this
16 reporter?
17 A. I don't recall making this statement to
18 this reporter. This reporter is not historically
19 terribly accurate.
20 Q. Who is the reporter?
21 A. Steve Waring.
22 Q. Have you given interviews to Mr. Waring

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1 since the date of this?
2 A. Yes.
3 Q. Did you actually read this article when
4 it came out?
5 A. Yes, I believe I did.
6 Q. Did you call him up to say that he
7 inaccurately quoted you?
8 A. No.
9 Q. Did you call him up to say that he
10 distorted what you said?
11 A. No. It usually causes more trouble than
12 it is worth.
13 Q. You talked about, this is my phrase I
14 believe, not yours, the notion of "territorial
15 integrity"?
16 A. Yes.
17 Q. Is that a form of noncompete, Bishops
18 will not compete with each other?
19 A. The earliest councils of the church
20 talked about Episcopoi Vagantes, wandering
21 Bishops, and how that was injurious to the health
22 of a Church community and something to be

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1 decried.
2 It is an ancient principle of

3 Christianity that a Bishop is the pastor in a
4 region and that it is inappropriate for other
5 Bishops to come in and do sacramental or official
6 acts without the permission of the resident
7 Bishop.

8 Q. So would it be inappropriate for a Roman
9 Catholic Bishop to come in the territory of an
10 Episcopal diocese?

11 A. It would be less inappropriate because
12 we are not in full communion with the Roman
13 Catholic Church.

14 Q. Is this a notion of the Anglican
15 Communion or the Episcopal Church we are talking
16 about?

17 A. It is a notion of the Church catholic,
18 with a small "c," preceding any schisms in a
19 church.

20 Q. You believe it is even more
21 inappropriate for a Bishop to enter the territory
22 of another Bishop when they are fellow Anglicans?

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1 A. Yes.

2 Q. And that is in your view a long-standing
3 practice of the Anglican committee?

4 A. Of the Anglican committee and of the
5 Church catholic.

6 Q. The Church catholic, in your mind being
7 a broader concept than the Anglican community?

8 A. Uh-hu.

9 Q. Now, this article characterizes you as
10 saying you are willing to pursue litigation
11 regarding property that both the Diocese of
12 Virginia and 11 departing congregations believe
13 they legally own.

14 A. That is not my language. That is the
15 reporter's language.

16 Q. What language did you use?

17 A. I didn't use that language. I would
18 have, if I referred to it, I would have said
19 pursuing litigation involving property belonging
20 to the Diocese of Virginia.

21 Q. Let me make sure I understand it. You
22 agreed in this article, did you not, or in your

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1 interview with the reporter, that you were
2 willing to pursue litigation?

3 A. I believe I did.

4 Q. And was that because the congregations
5 were disaffiliating with the Episcopal Church or
6 because they were affiliating instead with CANA?

7 A. I have a responsibility both in a
8 fiduciary sense and an ecclesiastical sense to
9 protect the assets of the Episcopal Church and to
10 protect the integrity of the Episcopal Church.

11 Q. If the congregations had decided to join
12 the Roman Catholic Church, would you have pursued
13 litigation?

14 A. If the Diocese of Virginia had
15 negotiated an agreement that seemed to provide
16 appropriate value for the property, and if it
17 were a decision that did not seem to be contrary
18 to our mission strategy, yes, I could see that
19 that was possible.

20 Q. In this case, did not the Diocese of
21 Virginia negotiate a protocol with the 11
22 congregations over an amicable resolution of

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1 property?

2 MR. DAVENPORT: Objection.

3 A. I think that is a broader statement than
4 I could answer.

5 Q. Have you ever seen a protocol that was
6 negotiated by a committee appointed by Bishop
7 Lee?

8 A. I'm aware of some such document.

9 Q. Have you actually seen such document?

10 A. I'm not sure that I have.

11 Q. But you have been apprised of its
12 contents; have you not?

13 A. Probably. Can I recite it for you, no.

14 Q. You were aware, were you not, that the
15 protocol called for amicable negotiations over
16 the disposition of the congregation's church
17 property; correct?

18 A. I believe so.

19 Q. And then at some point Bishop Lee
20 terminated those negotiations, even before they
21 got started; did he not?

22 A. I cannot answer that.

1 Q. Did you not tell Bishop Lee to pull out
2 of negotiations with the 11 congregations?

3 A. I told Bishop Lee that I could not
4 support negotiations for sale if the
5 congregations intended to set up as other parts
6 of the Anglican Communion.

7 Q. But if the congregations had chosen to
8 affiliate with other organizations, you would not
9 have interfered with Bishop Lee's prerogative;
10 would you?

11 A. Depending on what the mission's
12 strategy, what the mission strategy said about
13 where they were going, and provided that he
14 negotiated a fair price.

15 Q. What is it about the affiliation with
16 CANA that would prompt you to prefer litigation
17 over negotiation?

18 A. Because it violates the ancient
19 principle of the church that two Bishops do not
20 have jurisdiction in the same area.

21 Q. So do you view this current litigation
22 as a means for you to validate the notion of

1 territorial integrity?

2 A. I understand it as a means to preserve
3 assets of the Episcopal Church for the ministry
4 and the mission of the Episcopal Church.

5 Q. But in other cases you have allowed
6 Bishops to negotiate with local congregations
7 regarding property and allowed those Bishops to
8 sell the property to the local congregation; have
9 you not?

10 MS. ANDERSON: Objection to the form
11 and foundation.

12 A. I am not sure that that is accurate.
13 Certainly sales happened in dioceses that I never
14 hear about. If they are sold for reasons that
15 don't raise any red flags, I don't get involved.

16 Q. And again, just so the record is clear,
17 what red flags would be raised in your view?

18 A. Proper value, appropriate compensation,
19 and the reality that the Episcopal Church, for
20 matters of its own integrity, cannot encourage

21 other parts of the Anglican Communion to set up
22 shop within its jurisdiction.

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1 Q. If a congregation decided to leave and
2 become Methodist --

3 A. Uh-hu.

4 Q. -- would you be willing to allow the
5 local Bishop to negotiate a resolution with the
6 departing congregation?

7 MS. ANDERSON: Objection, asked and
8 answered several times.

9 A. I think it is really up to the Bishop.
10 I am not going to interfere unless it is contrary
11 to the mission strategy of the Episcopal Church.

12 Q. Does the mission strategy of the
13 Episcopal Church include preventing other
14 Primates of the Anglican Communion from
15 establishing missions in the United States?

16 A. It violates our integrity as a church.

17 Q. You were at a meeting of the Primates in
18 Tanzania earlier this year; correct?

19 A. Uh-hu.

20 Q. And the Primates issued a communiqué at
21 the conclusion of that meeting; did they not?

22 A. Uh-hu

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1 Q. The communiqué was unanimous; was it
2 not?

3 A. Everyone in the room more or less agreed
4 to its form and wording.

5 Q. Including yourself?

6 A. I said I would take it back to the House
7 of Bishops.

8 Q. Did you approve it?

9 A. There were lots of things within it that
10 I found objectionable. I said I would take it
11 back to the House of Bishops.

12 Q. So you did not vote yes or no?

13 A. Nobody voted.

14 Q. What response, if any, did you receive
15 to your statement that you would take it back to
16 the House of Bishops?

17 A. It was accepted.

18 Q. The communiqué asked the Episcopal

19 Church to suspend all litigation with local
20 congregations; did it not?
21 A. It encouraged that.
22 Q. But you refused to suspend the

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1 litigation; did you not?
2 A. I cannot suspend what I have a fiduciary
3 duty to protect.
4 Q. Is it your contention that you had a
5 fiduciary obligation to commence litigation
6 against the 11 CANA congregations?
7 A. I believe I have a fiduciary
8 responsibility to protect the assets of the
9 Episcopal Church for the mission of the Episcopal
10 Church.
11 Q. Even if the CANA congregations had paid
12 fair market value or expressed their willingness
13 to pay fair market value for the property?
14 MS. ANDERSON: Objection to the
15 form, foundation.
16 A. I believe it is inappropriate for the
17 Church in Nigeria to set up congregations
18 purporting to be parts of the Anglican Communion
19 here in the United States.
20 Q. So you would refuse to allow
21 congregations to purchase the church buildings
22 they had been using, regardless of the amount of

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1 money they wanted to pay, if they were going to
2 affiliate with another province of the Anglican
3 Communion?
4 A. That has been my position.

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4 Q. And in many cases property has been sold
5 by the Episcopal Church in the last four years
6 for secular purposes; correct?
7 MS. ANDERSON: Objection to the
8 form.
9 A. I don't have any particular information,
10 but I imagine that that is the case.
11 Q. You are not aware whether a former
12 Episcopal building is currently being used as a
13 saloon?

14 A. I have no idea.
15 Q. Would the diocese have the authority to
16 do that?
17 A. They could. It certainly happened the
18 other way around frequently enough in Nevada.
19 Q. It goes both ways in that state.
20 I just want to make sure. So you have
21 issued no restrictions that would preclude a
22 diocese from selling a formally consecrated

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1 building for secular purposes; correct?
2 A. Correct.
3 Q. And you have issued no restrictions that
4 would preclude a diocese from selling property to
5 another denomination; correct?
6 MS. ANDERSON: Objection to the
7 form.
8 A. Yes, I have.
9 Q. Yes, you have.
10 What other denominations would you
11 preclude a diocese from selling property to?
12 A. Well, I think there is some debate
13 whether CANA is another denomination or not.
14 Q. Let me use another example, the
15 Baptist --
16 A. Uh-hu.
17 Q. -- you have not issued any instructions
18 to dioceses to bar a sale of formally consecrated
19 property to a Baptist denomination; have you?
20 A. No.
21 MS. ANDERSON: Objection to the
22 form.

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1 Q. So the only restriction that you have
2 imposed is that the diocese cannot sell the
3 property to CANA; is that right?
4 A. No, that is not correct. I have said a
5 diocese, the national church has an interest in
6 preventing sales to other -- to groups that
7 purport to be another part of the Anglican
8 Communion within our territory.
9 Q. And you put CANA within that --
10 A. Yes.

16 MR. COFFEE: Can I have this marked?
17 (Letter marked for identification
18 KJC Exhibit 6.)
19 MR. DAVENPORT: This is 6.
20 Q. I have handed to you what has been
21 marked as Exhibit 6, which was published by the
22 Episcopal Life Online.

1 A. Uh-hu.
2 Q. Is that an organization or is it
3 affiliated with the Episcopal Church?
4 A. It is.
5 Q. According to this article, it states
6 that you wrote to Nigerian Primate Peter Agnello
7 asking him to reconsider plans to install Martyn
8 Menz as a Bishop in the Convocation of Anglicans
9 of North America?
10 A. Uh-hu.
11 Q. Is that correct?
12 A. Uh-hu.
13 Q. And Martyn, by the way, is spelled
14 M-A-R-T-Y-N.
15 The article, according to the second
16 paragraph, it says, quote, "Such action Jefferts
17 Schori added, quote, 'would display to the world
18 division and disunity that are not part of the
19 mind of Christ, which we must strive to display
20 to all.'"
21 Did you actually use those words in your
22 conversation with a reporter?

1 A. I presume I did.
2 Q. Was that language on the actual letter
3 that you wrote?
4 A. It appears to be.
5 Q. And when you wrote the words "division
6 and disunity," were you referring to the
7 Episcopal Church or the Anglican Communion?
8 A. I was referring to theological
9 disagreement.
10 Q. Were you referring to theological
11 disagreement in the Anglican Communion or the
12 Episcopal Church?

13 A. Yes.
14 Q. Does that mean both?
15 A. Yes.
16 Q. Would you agree that that theological
17 disagreement was triggered by the action of the
18 2003 election?
19 A. No, I think that has far preceded that.
20 Q. How so?
21 A. I think we could point to differences of
22 theological positions certainly that came

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1 associated with the adoption of the 1979 Book of
2 Common Prayer, with the ordination of women in
3 the mid-'70s, for some people with a shift in
4 hymnals in 1982.

5 There are lots of actions that the
6 Episcopal Church has taken as a body that have
7 dissatisfied some people.

8 Q. Would you view the creation of CANA as
9 an example of the division and disunity of the
10 Episcopal Church?

11 A. My understanding of the origins of CANA
12 is that it was originally intended to be a
13 chaplaincy to Nigerians living in the United
14 States.

15 If that were the fullness of its
16 original intent, I would not say that, and it has
17 become something quite different.

18 Q. In your view, what has it become that is
19 quite different?

20 A. It has become a purported arm of the
21 Nigerian Church in the United States, that has
22 invited people to leave Episcopal congregations

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1 and join others.

2 Q. Does that invitation put CANA in
3 competition with the Episcopal Church?

4 A. I think it could be seen to do so.

5 Q. Earlier you talked about CANA. Would
6 you agree that CANA is a denomination?

7 A. I think some people understand it is a
8 denomination. I think it is a very challenging
9 creature at this point. We do not have a way to
10 recognize another part of the Anglican Communion

11 within our own territory.

12 Q. Would you agree that there are other
13 organizations in the United States with which
14 former Episcopal congregations have affiliated?

15 A. There are groups like the Reformed
16 Episcopal Church. There are groups like the --
17 let's see, what is it called, the Anglican Church
18 in North America, the Charismatic Episcopal
19 Church. There are some 40 or 42 different
20 splinter groups that -- where people have left
21 the Episcopal Church and set up another body of
22 some sort.

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1 Q. And, for example, the Anglican Mission
2 in America, would you view the creation of that
3 entity as violating the notion of territorial
4 integrity?

5 A. Yes. Congregations purportedly set up
6 in relationship to the Bishop of Rwanda, the
7 Primate of Rwanda.

8 Q. Do you find the conduct of AMIA to be
9 less offensive, more offensive, or equally
10 offensive as the establishment of CANA?

11 A. I think it is just as problematic.

12 Q. And what do you mean by "problematic"?

13 A. The Anglican Communion is a group of
14 churches that are intended to be in full
15 communion with each other. When members leave an
16 Episcopal Church and purport to join another
17 branch of the Anglican Communion, they are
18 literally doing something that makes no sense.

19 They are saying they are not in
20 communion with the Episcopal Church, but they are
21 in communion with the Church of Nigeria. That
22 does not make theological sense in the Anglican

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1 understanding.

2 Q. Why does it not make sense in the
3 Anglican tradition?

4 A. Well, take the Roman Catholic Church.
5 For a Roman Catholic in the Archdiocese of
6 Baltimore to say, well, I am not going to be in
7 communion fellowship with other Roman Catholics
8 in Baltimore, but I will be in communion,

9 fellowship with Roman Catholics in New York, that
10 make no sense given the theology and polity of
11 the Roman Catholic Church.

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11 Q. And you instructed Bishop Lee that you
12 did not want any negotiations to take place, did
13 you not?

14 MS. ANDERSON: Objection, asked and
15 answered.

16 A. I don't believe I said that.

17 Q. What did you tell Bishop Lee?

18 A. I told him that the National Church had
19 an interest both in the financial compensation
20 and that another branch of the Anglican Communion
21 not be set up in our territory for reasons of
22 mission strategy.

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1 Q. Did you express it as a preference or an
2 instruction?

3 A. There are limited numbers of things that
4 I can instruct Bishops about. They are usually
5 disciplinary matters.

6 Q. You know that the Episcopal Church
7 formally intervened in the 57-9 proceedings?

8 A. 57-9.

9 Q. That is the section of the Virginia Code
10 that was invoked by the congregations.

11 A. I believe that the Episcopal is also a
12 party to that litigation.

13 Q. You instructed the Episcopal Church to
14 intervene; did you not?

15 A. To join that litigation.

16 Q. You, yourself?

17 A. Yes.

18 Q. And you also instructed the lawyers for
19 the Episcopal Church to file suit, a separate
20 suit against the 11 congregations; did you not?

21 A. That has been our practice, that is what
22 we did.

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1 Q. On your instruction?

2 A. Uh-hu.

3 Q. And you have been approving payment for

4 the legal bills that have been incurred in the
5 litigation, have you not?

6 A. I actually don't see the bills, but,
7 yes, they are approved by my office.

8 Q. Who in your office approves them?

9 A. I believe -- no, actually, I can't tell
10 you. I am not the sure wether it is the
11 treasurer or the canon who has just retired, who
12 had been doing that.

13 Q. Did the General Convention authorize the
14 Episcopal Church to intervene in the 57-9
15 proceedings?

16 A. That is not a duty of the general
17 Episcopal Church.

18 Q. So the answer is no?

19 A. Correct.

20 Q. Did the General Convention authorize the
21 Episcopal Church to file suit against the CANA
22 congregation?

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1 A. That is not a duty of the General
2 Convention.

3 Q. Is it a duty of the Executive Council?

4 A. No.

5 Q. That is your duty?

6 A. It is.

7 Q. So it is your view that you are the
8 authority to initiate litigation, without the
9 formal approval of the General Convention?

10 A. Yes.

11 Q. And it is your view that you have the
12 authority to incur substantial legal expenses in
13 litigation without the approval of the General
14 Convention?

15 A. Yes. The General Convention has
16 provided some funds in its budget to be used as
17 necessary.

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1 MR. PETERSON: I am going to have
2 this marked as deposition number, I think we are
3 up to 9.

4 (Communiqué of the Primates marked
5 for identification KJC Exhibit 9.)

6 Q. Can you take a look at that and tell me

7 what it is.

8 A. This appears to be the communiqué that
9 falls at the close of the meeting in

10 Dar-es-Salaam. I think it is all here.

11 Q. When you say this is designed to, what
12 is it designed to do?

13 A. To tell the rest of the communion about
14 what has been discussed.

15 Q. But not what is agreed upon, in your
16 view?

17 A. Certainly what has been discussed.

18 Q. In terms of this particular communiqué,
19 does this not address what is agreed upon by the
20 Primates?

21 A. As I told your colleague earlier, I
22 don't agree with everything in here. But I do

120

1 agree that this is a statement of the Primates
2 meeting.

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17 When you approved the communiqué, what
18 did you think you were doing?

19 A. I said that I would take this back to
20 the House of Bishop, that there are things in
21 here that I can say may look possible, but that
22 it is going to require the involvement of the

125

1 larger Church.

2 Q. So your view was only that you were
3 going to take this back to the House of Bishop?

4 A. Uh-hu.

5 Q. Yes?

6 A. Yes, that is true.

7 Q. And you were not approving or agreeing
8 to the position taken in the communiqué?

9 A. About what?

10 Q. All of the issues?

11 A. I think I would be very surprised if
12 everyone in that room agreed with all of the
13 positions represented here.

14 Q. I am asking you.

15 A. No, I don't agree with all of the
16 positions represented here.

7 Q. Do you see this communiqué as an attempt
8 of the Primates of the Anglican Communion to
9 interfere with the inner workings of the
10 Episcopal Church?

11 A. I believe that the larger number of
12 Primates aren't interested in doing that.

13 Q. Aren't?

14 A. Are not.

15 Q. Do you see this communiqué as an attempt
16 by the Primates of the Anglican Communion to
17 interfere with the inner workings of the
18 Episcopal Church?

19 A. Yes.

20 Q. Why do you see it that way?

21 A. Because it sets up a framework for
22 providing oversight by Bishops from outside of

1 the Episcopal Church of operations within the
2 Episcopal Church.

3 Q. That is rather extraordinary; is it not?

4 A. It is extraordinary.

5 Q. Why do you think that the Primates of
6 the Anglican Communion would want to do that?

7 A. Some of them presumably want support for
8 the behavior that they have been engaging in for
9 a number of years.

10 Q. Would it be fair to say some of them
11 recognize that there are people within the United
12 States who are dissatisfied with the Episcopal
13 Church?

14 A. I think that is fair.

15 Q. There is a significant body of persons
16 in the US who are dissatisfied with the Episcopal
17 Church?

18 A. There are some.

19 Q. What do you mean by "some," a tiny
20 fraction?

21 A. That is my understanding.

22 Q. The communiqué says that the Primates

1 were "not in a position to recognize that the

2 Episcopal Church has mended its broken
3 relationships."
4 Do you recall that phrase in there?
5 A. I think I do.
6 Q. And you approved of that language?
7 MS. ANDERSON: Objection to the
8 form. Where are you looking? At your computer
9 screen?
10 A. I understand that some Primates in the
11 Anglican Communion believe that.
12 Q. You don't believe that?
13 A. I understand some Primates in the
14 Anglican Communion believe that there are broken
15 relationships.
16 Q. The question is, it says the Primates
17 were not, quote, "in a position or recognize that
18 the Episcopal Church has mended its broken
19 relationships."
20 A. I believe that is accurate if you're
21 talking about Primates as a body, all of them.
22 Q. I am talking about, do you agree with

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1 it?
2 A. I just said I think that is accurate if
3 you are talking about all of the Primates as a
4 body.
5 Q. Let me ask it this way, and I will try
6 it a different way.
7 Do you agree that the Episcopal Church
8 is not in a position to mend its broken
9 relationships?
10 A. No, I think we have been working very
11 hard at it.
12 Q. When the Primates are of the view that
13 there are broken relationships with the Episcopal
14 Church, what are they referring to?
15 A. Say that again.
16 Q. When the Primates have used the language
17 "broken relationships," what are they referring
18 to?
19 A. They are talking about differences of
20 theological opinion.
21 Q. What differences?
22 A. They are talking about a difference of

1 opinion about sexuality and the appropriateness
2 of blessing same-sex relationships.

3 And they are talking about the
4 difference of opinion about the appropriateness
5 of electing or consecrating a Bishop who is
6 living in the same-sex covenanted relationship.
7 They are talking about a difference of opinion
8 about how to read and interpret scripture. They
9 are talking about a difference of opinion in the
10 appropriateness of a Bishop invading another
11 Bishop's territory.

12 Q. And there would be a division among the
13 Anglican Communion on these issues?

14 A. There is a difference of opinion.

15 Q. When you say difference of opinion, and
16 I say division, can you tell me why is it that
17 you chose to say difference of opinion rather
18 than a division of opinion?

19 A. It is a difference of theological
20 opinion.

1 Q. The communiqué goes on to say, quote,
2 "So great has been the estrangement between some
3 of the faithful and the Episcopal Church, this
4 has led to incrimination, hostility and even

17 Did you agree with that language when
18 you approved the communiqué?

19 A. I think it is fair to say that there
20 were present in that body people who were deeply
21 concerned about that.

22 Q. My question was, did you agree with that

1 language when you approved of this communiqué?
2 MS. ANDERSON: Objection to the form
3 again.

4 A. I think I can agree that people in that
5 room were deeply concerned about that, about what
6 it says there.

7 Q. Okay. But I am asking you, did you
8 agree with that language when you approved of the

9 communiqué?

10 A. I agreed that there are people in the
11 room who are deeply concerned about this issue.

12 Q. I am asking you, though, do you agree
13 with that language?

14 MS. ANDERSON: Objection to the form
15 and asked and answered several times.

16 MR. PETERSON: No, I believe she is
17 dodging my question.

18 A. I am not dodging your question.

19 Q. Do you agree with that specific
20 language?

21 A. I believe that some people in the room
22 understood it that way.

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1 Q. Did you understand it that way?

2 A. I understand that some people in that
3 room were deeply concerned about what they saw as
4 estrangement in the Episcopal Church.

5 Q. And do you believe that there is
6 estrangement in the Episcopal Church?

7 A. I believe that there are some people in
8 the Episcopal Church who are unhappy with
9 decisions of the General Convention.

10 Q. You would characterize that as
11 estrangement then?

12 A. I believe there were some Primates in
13 the room that would characterize it as
14 estrangement.

15 Q. I am not asking about some Primates in
16 the room. I am asking --

17 A. What I am saying to you is that I
18 understand that this accurately reflects the
19 opinions of some of the members in that room.

20 Q. I am asking you, does it accurately
21 reflect your opinion?

22 A. No.

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9 Q. All right. The Windsor -- I am sorry,
10 the communiqué from Dar-es-Salaam went on to say,
11 quote, "There was a -- one of the keys was to,
12 quote, 'encourage healings within, reconciliation
13 within the Episcopal Church, between the
14 Episcopal Church and congregations alienated from

15 it, and between the Episcopal Church and the rest
16 of the Anglican Communion."

17 Do you recall that phrase being used?

18 A. Yes, and this is a separate piece. This
19 is not the communiqué, and I am not confident
20 that this was part of the document that was
21 discussed in our last gathering. This is an
22 addendum.

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1 Q. Is it your understanding, though, that
2 this addendum was not approved by the Primates?

3 A. I don't know if it was.

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3 Q. I am going to show what you what I am
4 going to have marked as Deposition Exhibit 13.

5 Actually, rather than having this marked
6 as an exhibit, I will just ask you, did you write
7 a book?

8 A. I have had a book published under my
9 name, which includes my writings.

10 Q. Was it called "A Wing and a Prayer"?

11 A. Yes.

12 Q. Did you state in that book, quote, "The
13 Anglican Communion is in the midst of some pretty
14 profound disunity with Primates allowing fiats of
15 disfellowship, impaired communion, and when all
16 else fails, enter a catalytic Bishop"?

17 A. Yes.

18 Q. What did you mean by that?

19 A. I meant that the level of rhetoric in
20 the communion has caused some damage to human
21 relationships.

22 Q. What do you mean specifically by "some

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1 pretty profound disunity"?

2 A. I mean that rather than meet each other
3 face to face, there has been a tendency in the
4 communion to use words on the Internet and
5 pronouncements, caricatures.

6 And when in a number of circumstances

7 Primates and Bishops from overseas have come here
8 and done things that we believe are canonically
9 and ecclesiastically inappropriate.

10 Q. Specifically what are you referring to?

11 A. The incursions of foreign Bishops who
12 confirm and ordain and start congregations.

13 Q. And you consider that a violation of
14 your jurisdiction?

15 A. I do, the jurisdiction of the Episcopal
16 Church.

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17 Q. And what specifically is the basis for
18 that jurisdiction; how did the Episcopal Church
19 get that jurisdiction?

20 A. When it became the Episcopal Church in
21 1789, following the Revolution, the first time a
22 body that had its routes in the Church of England

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1 had need to establish itself as a separate body.

2 Q. How did the Episcopal Church get
3 jurisdiction over all of the land of the United
4 States?

5 A. Because it is the province that -- by
6 agreement of its constituent dioceses in General
7 Convention.

8 Q. So the internal dioceses or the dioceses
9 that make up the Episcopal Church have declared
10 this as their jurisdiction?

11 A. Yes, and there is provision for
12 additional geographic territory in our canons, in
13 areas that are not already served by the
14 Episcopal Church or other members of the Anglican
15 Communion.

16 Q. The Episcopal Church's own internal
17 jurisdiction or what they dictate as their
18 jurisdiction?

19 A. Yes.

20 Q. There is no other basis for that
21 jurisdiction?

22 A. Well, there is certainly recognition, or

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1 there has been until recent years, recognition by
2 other members of the Anglican Communion that we
3 have jurisdiction in this place.

4 Q. What is that recognition among other
5 members of the Anglican Communion based upon?
6 A. The ancient principles of geographic
7 integrity.