

Robert Duncan

From: Devlin, Robert [devlinrg@upmc.edu]
Sent: Friday, November 28, 2003 11:24 AM
To: DUNCAN@pgh.anglican.org; 'MJWoodruff@aol.com'; ahblankingshipjr@blankeith.com
Subject: RE: Joint Statement

I know that there are competing agenda's here, and I don't know what the proper balance should be, but here are some concerns of mine.

1. Most of the people who have been coming to me for help with property issues aren't going to be any happier with the prospect of the Network claiming ownership of their property than 815 doing so. For those people, capital campaigns will not go forward without the "poison pill" strategy that I have mentioned briefly to each of you, and new property will most likely be acquired through entities separate and distinct from ECUSA and the Network.
2. This approach to property ownership appears contrary to the position taken by +Bob as Bishop of Pittsburgh. While it is not impossible for him to hold one position for Pittsburgh and another for AAC, it will be awkward.
3. This approach may hurt the defense of the Pittsburgh lawsuit, since it essentially concedes the strongest interpretation of the Dennis Canon. Wouldn't it be better to assert that, to the extent that there is a valid constructive trust, the powers have been delegated to the Bishop and Standing Committee of each diocese pursuant to Canon I.7.3?
4. Will the Primates read this as focusing on the wrong thing?

That's my two cents' worth. I defer to you all on these matters because you are much closer to the pulse than I am.

In God we trust!

Devlin

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-----Original Message-----

From: MJWoodruff@aol.com [mailto: MJWoodruff@aol.com]
Sent: Wednesday, November 26, 2003 6:19 PM
To: DUNCAN@pgh.anglican.org
Cc: dcastr@att.net; ahblankingshipjr@blankeith.com; Devlin, Robert
Subject: Joint Statement

+Bob,

Please find a statement attached to this email. Hugo drafted it today for your possible use after Monday's meeting with RW. It is something for you and David Anderson to discuss with RW as you think appropriate.

The second item, also attached, is text or language I drafted for your consideration that goes directly to the point of the application of the Dennis canon to our present circumstances. I think that we need language to offer Rowan Williams that will cause him to want to pastorally help our

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congregations to calm down about the property issue, particularly those in big building programs whose donors feel threatened by the current crisis and who do not want to give if the buildings end up under 815's control. Sensitivity to this issue is a pastoral matter meriting RW's attention. He could help calm what are very troubled waters right now if he got FG to concede that this is a workable idea and necessary to avoid worse troubles. In fact, with RW's help, I could see a signed agreement between FG, the Executive Committee at 815, the ABC as a witness, and you as moderator of the Network.

I could then see the ABC appointing the Network as the alternate Trustee under the Dennis canon.

The agreement means that 815 will not enforce the Dennis canon while there is an alternative Trustee, it does not abrogate it or fundamentally affect it during this suspension period (however long that is) and represents a via media between parishes using their division statutes to take their property away from ECUSA (which could easily happen and many churches would go off ECUSA's rolls) or ECUSA bearing the expense of suing parishes as they declare themselves out of ECUSA. It stands back from both positions and says, in effect, neither side is going to act legally on the basis of the canon, neither challenging its validity, nor encouraging litigation. Instead, the NETWORK will serve as the surrogate Trustee, keeping in concept and in principle the idea that there is a trusteeship in a hierarchical church. Furthermore, it recognizes that there is within ECUSA and the NETWORK deference to the See of Canterbury, whose presence makes this workable.

Finally, I am attaching a copy of the Charter, marked so that it can be refined as you head into Monday's meeting. Please keep us apprised of any changes you want in order for us to serve as your faithful scribes...meanwhile, we're just canon lawyers trying to avoid entanglement with all doctrinally deficient Sadducees.

With prayers for your journey to Monday's meeting,

Mike

MICHAEL J. WOODRUFF, P.C.
4020 University Drive, Suite 311
Fairfax, Virginia 22030
Tel. (703) 218-1811
Fax (703) 218-1911

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