

December 2, 2006

The Rt. Rev. Peter James Lee -- VIA FACSIMILE --
The Diocese of Virginia AND U.S. MAIL
10 West Franklin Street
Richmond, VA 23220

Dear Bishop Lee,

We are profoundly grieved that we must send this letter. We feel compelled, however, to respond to your letter of December 1, 2006, in which you set forth your position on certain canonical and legal issues associated with the current situation. We are writing to you as the senior wardens of The Falls Church and Truro Church.

We respectfully request that you reflect on why it is that we all find ourselves in the current predicament. The Episcopal Church has departed from the basic tenets of historic Christianity, including the authority of the Holy Scriptures and the uniqueness of Jesus Christ as the only Lord and Savior of humankind. The actions of the Episcopal Church at its 2003 and 2006 General Conventions and the resulting division are simply the most visible symptoms of these grievous errors in doctrine.

When the New Hampshire election of a practicing homosexual bishop was to be a possibility, and to be presented to the 2003 General Convention for confirmation, each of the four Instruments of Unity of the Anglican Communion—namely, the Archbishop of Canterbury, the Primates Meeting, the Anglican Consultative Council, and the Lambeth Conference by its Resolution 1:10—had warned that serious damage would occur.

The 2003 General Convention approved the election. You and a majority of the Virginia deputation to the House of Deputies concurred in that decision, notwithstanding clear diocesan policy to the contrary. Moreover, you personally were a leading proponent of Resolution 051, which stated “that local faith communities are operating within the bounds of our common life as they explore and experience liturgies celebrating and blessing same-sex unions.”

In the wake of these decisions, the Archbishop of Canterbury called an emergency meeting of the Primates at Lambeth Palace. The Primates’ unanimous decision in October 2003 stated that if the consecration went forward, it would “tear the fabric

of the Communion at its deepest level, and may lead to further division.” The then-Presiding Bishop of the Episcopal Church signed this unanimous decree. Shortly thereafter, he returned to the United States and, along with a large number of American bishops, proceeded with the consecration. That action, which you supported, inflicted the serious consequences and damages predicted by the Primates. Indeed, 22 of 38 Provinces ultimately declared broken or impaired communion with the Episcopal Church, creating an acknowledged division within the Communion. As the Global South Primates observed, the Episcopal Church “cut themselves adrift and broke[] the sacramental fellowship of the Communion.” As others have observed, the Episcopal Church violated the ancient church maxim: “What concerns all should be decided by all.”

The Primates’ resolution also called for a commission, which produced the Windsor Report in October 2004. The Windsor Report advised that Lambeth Resolution 1:10 (which you supported) was the official position of the Communion, and it admonished the Episcopal Church to reconsider its position. The Windsor Report also recommended that the Episcopal Church take specific steps to express its “desire ... to remain within the Communion,” explaining that “[s]hould the call to halt ... not be heeded, then we shall have to begin to learn to walk apart.” In 2005, the Primates and the Anglican Consultative Council endorsed those recommendations of The Windsor Report and called for the Episcopal Church to comply with those recommendations at its 2006 General Convention.

Notwithstanding that admonition, the Episcopal Church chose to “walk apart” from the rest of the Communion. The 2006 General Convention did not change the Episcopal Church’s earlier position. The feeble response of the 2006 General Convention has been tried in the balance of Communion opinion, and has been found wanting. As the Archbishop of Canterbury put it with characteristic understatement: “The recent resolutions of the General Convention have not produced a complete response to the challenges of the Windsor Report.”

Bishops in the Anglican Communion undertake the solemn responsibility to strive “with all faithful diligence to banish and drive away from the Church all erroneous and strange doctrine contrary to God’s word; and both privately and openly to call upon and encourage others to do the same.” 1928 Book of Common Prayer, p. 555. Until 1979, this solemn oath was a part of the Ordinal in our Book of Common Prayer. Although this oath was removed, to the distress of many orthodox believers, American bishops at their consecration are welcomed into the governance of the whole Church and charged to guard its unity.

This unity derives from a shared commitment to and teaching of Biblical theology,

which has been codified by the early Church in the three Creeds (Apostles', Nicene, and Athanasian) included in our own Book of Common Prayer. The Anglican tradition also stands upon the teaching of the 39 Articles of Religion (also found in the Book of Common Prayer), which state that "it is not lawful for the Church to ordain any thing that is contrary to God's Word written." Article XX.

Notably, your letter contains more than 15 references to constitutional and canonical provisions, by which you seek to intimidate and control our vestries and congregations. By contrast, your letter contains no reference whatsoever to the Bible, which is the true and foundational basis for our existence as part of the Church of Jesus Christ. The Apostle Paul wrote that "[a]ll Scripture is breathed out by God and profitable for teaching, for reproof, for correction, and for training in righteousness." 2 Timothy 3:16. And Jesus said that "[w]hoever then annuls one of the least of these commandments, and so teaches others, shall be called least in the kingdom of heaven." Matthew 5:19.

The damage and disarray within the Episcopal Church and the Anglican Communion is clearly laid at the doorstep of those bishops who have failed in their duty to uphold this unity and the teaching of the Church. Historically, schism is usually caused by bishops of the Church (as well as theologians and others) teaching and promulgating heresy. We wrote to you directly about this concern in the letter from The Falls Church vestry, dated October 4, 2005. It grieves us that you have chosen not to heed this letter.

Recognizing the division in the Communion, in the denomination, and in our own Diocese, the 209th Annual Council of the Diocese in 2004 recognized that "profound differences have arisen over issues addressed at the 74th General Convention" of the Episcopal Church and established a Reconciliation Commission to address them. In January 2005, the Commission declared: "[W]e cannot avoid the difficult question: 'Can we continue to live together?' We understand from some of those among us that the answer may ultimately be 'No,' and that in this case there must be provision for an amicable divorce."

In January 2006, further recognizing the division among us, you announced formation of a Special Committee and charged it with "helping congregations continuing in conflict over the decisions of the 2003 General Convention get on with their mission in as close a union as possible with the diocese." That committee included the former president of the Standing Committee (now a candidate for Bishop Coadjutor) and the chairman of the Reconciliation Commission. The Special Committee was chaired by the Chancellor of the Diocese.

In September 2006, after nine months of intense meetings, the Special Committee issued a unanimous report drafted by the Chancellor of the Diocese. The Report explained that the Special Committee was appointed “to help reconcile the divisions within our diocese,” and it expressed the hope that “[n]otwithstanding the division which may cause some to ‘walk apart’, we shall always share in our own way our devotion to spreading the Good News.” At the same time, however, the Report concluded that “for some members of the Diocese, separation from the Diocese and the Episcopal Church is increasingly likely.” Thus, the Report offered a “Protocol for Departing Congregation[s]” that included a discernment period and vestry and congregational votes on whether to sever ties with TEC and the Diocese.

You have repeatedly endorsed the Special Committee Report Protocol as “a useful way forward,” including in our meeting with you on October 16, 2006. In addition, on your recommendation it was received—as presented and without amendment, after discussion and requests for changes—by votes of the Standing Committee and Executive Board of the Diocese. We understand that there were no dissenting votes. In any event, our congregation has undertaken a 40-day period of discernment to consider this issue in reliance upon these actions.

The Protocol for Departing Congregations in the Special Committee Report recognizes, among other things, that our congregations have the right to carry out a congregational vote governing the question whether to dissociate from the Episcopal Church and the Diocese. We have proceeded with complete transparency in reliance upon the Protocol and your assurances concerning that Protocol. At every step in our discernment and our voting process, we have notified the Diocese about what we are doing. The Diocese has been invited to participate in our discernment process and has in fact done so. Indeed, such diocesan participation is scheduled to continue tomorrow, when the Chancellor of the Diocese or members of the Standing Committee will be speaking to our congregations. We have acted in a manner consistent with the Protocol. Acting on the advice of counsel, we have also met every enforceable canonical and civil law obligation.

As to your suggestion that, if our vestry members continue to act in reliance upon these assurances, they may have acted in “bad faith” or engaged in “willful misconduct,” we have acted in good faith, and with clean hands, in reliance upon the representations of you and the Diocese. We have also relied on public pronouncements of the then-Presiding Bishop Frank Griswold that property matters are to be resolved at the diocesan level. And, of course, our counsel have advised us that the canons are subject to Virginia law. We have previously provided your chancellor with a summary of that law, which notes that Virginia law does not recognize an express trust, let alone an implied trust, in favor of denominations

such as the Episcopal Church. Given this plain rule of law, it is our position that the Diocese does not have a valid claim to ownership of our property under a theory of express or implied trust.

In any event, we must ask that you not purport to instruct our vestry and clergy on civil law. (Your letter has a section entitled “Potential Personal Liability,” in which you discuss civil court decisions, and at several other points in the letter you reference purported civil law obligations.) As you have known for some time, they are represented by counsel and any discussion of these legal obligations should be directed to Winston & Strawn, 1700 K Street, N.W., Washington, D.C. 20006; Attn: Steffen N. Johnson; and to our chancellors, A. Hugo Blankingship, Jr. (The Falls Church) and Robert M. Dilling (Truro Church). Any attempt by the Episcopal Church or the Diocese to interfere with our interests, including any further attempt to interfere with our discernment process or our congregational vote, will be met with the strongest possible response, including legal defense.

The Diocese of Virginia has always been known as a place where Christian charity and normal civility guide the relationships among its members. These attributes led to the All Saints’ Dale City settlement and the unanimous report of the Special Committee. To suggest to us now that the Standing Committee and the Executive Board may not endorse the report of the Special Committee, especially its Protocol for Departing Congregations, as well as the suggestion that the Executive Council and other authorities of the General Church, may seek to inject themselves into the affairs of this Diocese and to interfere with carefully constructed, orderly ways forward clearly places your integrity, and the integrity of the Diocese, in grave jeopardy. We reject that interference and urge you to do so as well. For you to suggest that our vestries may be subject to civil liability for conforming their conduct to the Protocol shocks the conscience. This portion of your letter constitutes a flagrant disregard of the Protocol’s “urg[ing] that the parties be guided by principles of fairness, equity and Christian charity.”

We cannot imagine a worse witness, as we try to celebrate 400 years of Anglican worship in Virginia, than to have a number of our churches, including the historic churches, involved in adversarial litigation with the Diocese that could have been avoided had you and the Diocese returned to the posture of Christian charity and civility we once shared. There is one ray of hope in your letter to us, namely that we might still be able to “reach a resolution to the issues where we differ that takes into account the promises we have made, our obligations of respect and care for one another, and most of all expresses our obedience to Christ.”

We regret that you saw fit to publish your letter to us. We are not making this letter

public at this time. We urge you to meet with us at your earliest convenience.

In Christ,

Thomas E. Wilson James L. Oakes
Senior Warden, The Falls Church Senior Warden, Truro Church

cc: Russell V. Palmore, Esq., Chancellor, The Diocese of Virginia
Steffen N. Johnson, Esq.
A. Hugo Blankingship Jr., Esq., Chancellor, The Falls Church
Robert M. Dilling, Esq., Chancellor, Truro Church