Episcopal Forum of South Carolina

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Date: September 22, 2010

To: The Executive Council of The Episcopal Church

The House of Bishops

From: The Episcopal Forum of South Carolina

Subject: The Alienation and Disassociation of the Diocese of South Carolina from The Episcopal Church

This communication is being sent from the Directors of the Episcopal Forum of South Carolina to the general membership of the Forum, to the House of Bishops, and to the lay and clerical leadership of The Episcopal Church.

The Episcopal Forum of South Carolina is a 501(c)(3) corporation with members from two thirds of the congregations in our Diocese. Our mission is to preserve unity with diversity in the Diocese and in The Episcopal Church through the inclusion of a broad range of Scriptural understandings and by upholding the Constitution and Canons of The Episcopal Church and the democratic actions of its Conventions and elected leaders. You will find more information about EFSC at our website and in the brochure at: http://www.episcopalforumofsc.org/reference/EFSC_Brochure

We wish to call to your attention the recent actions and inactions on the part of the diocesan leadership and leaders in parishes and missions within the Diocese of South Carolina, which we believe are accelerating the process of alienation and disassociation of the Diocese of South Carolina from The Episcopal Church.

In accordance with our Mission statement, we feel compelled to emphasize the importance of the issues that we include in our attached documents. Specifically, we enumerate issues that present grave concern to us, as Episcopalians in our Diocese, and we request that The Episcopal Church leadership investigate the situation in our Diocese.

Thank you for your consideration.

Attachments/Links

The Alienation and Disassociation of the Diocese of South Carolina

From The Episcopal Church

I. Actions and inactions of the Bishop appear to be tantamount to an abandonment of the polity of The Episcopal Church (TEC). Examples of these actions and inactions include:

a) The Ecclesiastical Authority (the Diocesan Bishop or the Standing Committee) has taken no disciplinary measures or legal action against the leadership of the St. Andrews Parish, Mt. Pleasant, since it withdrew from (TEC) in March 2010. http://www.wearestandrews.com/default.aspx

b) The Ecclesiastical Authority has done nothing to stop other parishes which outwardly appear to be moving in the direction of withdrawal from TEC. Of particular importance, some parishes have sought, or otherwise obtained, legal advice as to what the necessary steps would be to leave TEC. *Attached is a letter written by an attorney used by All Saints, Pawleys Island (AMIA) to another parish in the Diocese that is looking at leaving TEC.*

c) The Ecclesiastical Authority has declared verbally and in writing that the Diocese of South Carolina is a "Sovereign Diocese," and that the Presiding Bishop has wrongfully intruded into this "sovereignty". The 2010 Diocesan Convention affirmed these positions in Resolution 2:

> *RESOLVED, That this 219th Convention of the Diocese of South Carolina affirms its legal and ecclesiastical authority as a sovereign diocese within the Episcopal Church, and be it further*
>
> *RESOLVED, That this Convention declares the Presiding Bishop has no authority to retain attorneys in this Diocese that present themselves as the legal counsel for the Episcopal Church in South Carolina, and be it finally*
>
> *RESOLVED, That the Diocese of South Carolina demands that the Presiding Bishop withdraw and terminate the engagement of all such legal counsel in South Carolina as has been obtained contrary to the express will of this Diocese, which is The Episcopal Church within its borders.*

This Resolution is in direct conflict with both the Diocesan and The Episcopal Church Constitutions and Canons. Specifically, **Article I of the Diocesan Constitution** inherently links this Diocese to The Episcopal Church: *"The Church in the Diocese of South Carolina accedes to and adopts the Constitution and Canons of the Protestant Episcopal Church in the United States of America."*

Examples of the connection between the Diocese of South Carolina and TEC are found in both the Diocesan and The Episcopal Church Canons. **Title IV of TEC Canons** sets forth disciplinary procedures for Bishops. Clergy discipline is handled through the Diocese; however, **Diocesan Canon Title III** prescribes that the Diocese must follow Episcopal Church disciplinary trial procedures as set forth in **Title IV of TEC Canons**.

Secondly, **Diocesan Canon XXX, Section 5,** relating to parish property, states:

> *"All real and personal property held by or for the benefit of any Parish, Mission, or Congregation is held in trust for the Episcopal Church and the Protestant Episcopal Church in the Diocese of South Carolina. The existence of this trust, however, shall in no way limit the power and Authority of the Parish, Mission, or Congregation existing over such property so long as the particular Parish, Mission, or Congregation remains a part of, and subject to, the Episcopal Church and the Protestant Episcopal Church in the Diocese of South Carolina"*

d) The Diocesan website, http://www.dioceseofsc.org/, approved and electronically published by Ecclesiastical Authority, has removed substantially all references to TEC. Further, of the 44 parishes with working websites with direct links from the Diocesan Website for the Diocese of South Carolina, over 25 parishes have websites that either:

(1) Have taken out "Episcopal" in their names or elsewhere on their websites; or

(2) Have no link or mention of TEC; or

(3) Are linked as "partners" with the Anglican Church of North America (ACNA) / American Anglican Council (AAC) /South Carolina Anglican Communion Network (SCACN) organizations.

e) Missions are being planted within the Diocese; however, the Ecclesiastical Authority will not recognize or approve the establishment of St. Mark's Chapel, Port Royal, http://www.stmarksc.org, a congregation of loyal Episcopalians that has doubled its membership over the past year.

f) With the support of the Ecclesiastical Authority a special Diocesan convention held in October, 2009 modified the declaration of conformity, signed by ordinands to the Priesthood and Deaconate, as specified in the Book of Common Prayer, and required in Article VIII of the TEC Constitution. Resolution I from that convention states in part that the following statement must be read at all ordinations and attached to the Oath of Conformity:

> *"In the Diocese of South Carolina, we understand the substance of the 'doctrine, discipline and worship' of The Episcopal Church to mean that which is expressed in the Thirty-Nine Articles, the Creeds, the Chicago-Lambeth Quadrilateral and the theology of the historic prayer books."*

g) With the support of the Bishop, the Standing Committee of the Diocese proposed six Resolutions for the Reconvened Diocesan Convention to be held on October 15, 2010. They claim on the Diocesan website that these resolutions "will protect the diocese from any attempt at un-Constitutional intrusions into our corporate life in South Carolina." We believe however that the purpose is to continue and accelerate the process of the separation of the Diocese from The Episcopal Church. These Proposed Resolutions are on the Diocesan Website. Link to Resolutions on Diocesan Website.

II. We urge the leadership of the Diocese and TEC to initiate an investigation of:

a) Parishes in this Diocese known to have taken measures to withdraw from TEC via the use of overt website language.

b) The actions and lack of action of the Diocesan Ecclesiastical Authority with regard to the withdrawal of St. Andrews Parish in Mt. Pleasant, South Carolina, and any knowledge of and/or participation in other similar parish strategies.

c) All property titles and corporate documents of parishes located within our Diocese. We believe that having this information will aid in determining the possible existence or absence of circumstances distinguishable from, or similar to, the property issues found within the "All Saints Waccamaw" ruling by the South Carolina Supreme Court.

Instructive Letter from Attorney to South Carolina Parish

The following letter is filed in the vestry record book of a parish in the Diocese of South Carolina. This letter is attached to the minutes of the May 2010 meeting. A parishioner hand copied this letter from the vestry record book. Hand copying is necessary since this congregation does not allow facsimiles of minutes or supporting documents to be made.

Typed on letterhead from Lindsay & Lindsay, LLC (with offices in Myrtle Beach and Pawleys Island)

To: The Rev.

Re: Review of Church Corporation Governing Documents

April 13, 2010

Dear ____,

I enjoyed talking with you today. Thank you for faxing me your church corporation governing documents. A cursory review revealed the following:

1. Your certificate of incorporation needs to be amended in order to change your name (to delete "of the Diocese of South Carolina") and to delete the purpose clause (Article Four) and to substitute your parish mission or vision statement. This action is critical, and the amendment must be approved by the Vestry and two-thirds of your members at an annual or specially called meeting. When is your annual meeting held?
2. Your by-laws are problematic in that the Bishop must approve any amendment, but they do not contain "accession" language like St. John's and others in the diocese do.
3. The good news is that your deeds do not contain any reversionary clauses or restrictions in favor of TEC or the Diocese.
4. Some parishes are creating irrevocable land trusts to hold their property. The bishop and standing committee have to consent to such a transfer or sign a quit-claim deed first, then the property can be conveyed to the land trust. The land trust offers the best protection from TEC and any future diocese created by TEC that might seek to seize or otherwise control your property.
5. If you were to decide to leave TEC and/or the Diocese, you would need to apply for your own tax exemption status.
6. The cost of amending the charter and by-laws would be $2,500. The cost of establishing the land trust would be $5,000. The cost of obtaining your own tax exemption would be $7,500. The documents and other corporate formalities required to leave TEC would be approximately $10,000. I would recommend that you amend your charter first and perhaps the by-laws.

I return from the Global South Conference on April 26 and would be happy to discuss this further with you and your wardens or vestry at that time.

R.M. "Buddy" Lindsay

This letter was followed up by a visit from an attorney (presumably Mr. Lindsay) at the May meeting of the Vestry:

Per the minutes from the May 2010 ____ Vestry meeting:

Church Legal Position: An attorney provided the Vestry background information and context concerning the church's legal documents, property holdings, etc. The Vestry thanked him for coming to speak with them. They will reflect on his recommendations and discuss the issue in more depth at the next Vestry meeting.

From ***Christianity Today***, *Land and Building Wars* by John W. Kennedy, January 12, 2010:

> ***R****oss "Buddy" Lindsay III receives phone calls every day from pastors who want his help wresting their church property from denominational control. As chancellor of All Saints Church in Pawleys Island, South Carolina, Lindsay has spent a decade immersed in church property disputes. He is one of only four Americans with a master's degree in canon law from Cardiff University in Wales.*

http://www.christianitytoday.com/ct/2010/january/16.15.html