

**THE EPISCOPAL DIOCESE OF UPPER SOUTH CAROLINA**

THE RT. REV'D DORSEY F. HENDERSON, JR., M.Div., J.D.  
BISHOP

**"CONFIDENTIAL: FOR THE EYES OF THE PRESIDING BISHOP ONLY"**

December 17, 2007  
St. Antony, Abbot in Egypt, 356 AD

The Most Rev'd Katharine Jefferts Schori  
Presiding Bishop  
Episcopal Church Center  
815 Second Avenue  
New York, NY 10017

**The Rt. Rev'd Robert Duncan**

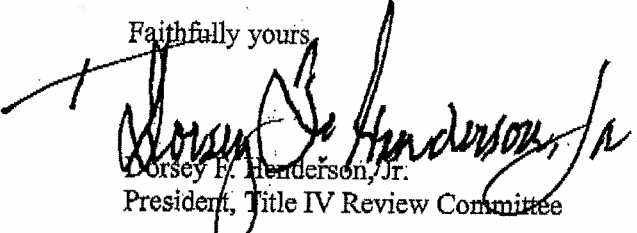
Most Rev'd and dear Bishop:

On November 19 of this year, the Title IV Review Committee received a communication from counsel representing twenty-one individuals who are either clergy or communicants in the Diocese of Pittsburgh asking the Review Committee to determine whether the Rt. Rev'd Robert Duncan, Bishop of Pittsburgh, had abandoned the communion of the Episcopal Church under Title IV, Canon 9. On November 30 the Review Committee received a letter from your Chancellor, David Booth Beers, and Mary E. Kostel, Esquire, sent on your behalf asking the Review Committee to consider whether the information attached with the letter demonstrated an abandonment of communion by Bishop Duncan.

The Review Committee met on December 13, 2007, and found by a majority vote of its members that, taken together or separately, the information submitted to the Review Committee demonstrated that Bishop Duncan has abandoned the communion of this Church by an open renunciation of the Doctrine, Discipline or Worship of this Church.

As provided by Title IV, Canon 9.1, this letter constitutes the "certificate" of this abandonment. The "acts and declarations" which show such abandonment are fully set forth in the Addendum to the November 19 letter from Mr. DeForest, counsel to certain clergy and communicants of the Diocese of Pittsburgh, and the November 30 letter from Chancellor Beers and Ms. Kostel. The November 19 addendum and November 30 letter are attached as exhibits to this letter. I am sending, under separate cover, copies of the supporting documentation supplied by Mr. DeForest and Chancellor Beers.

Faithfully yours,

  
Dorsey F. Henderson, Jr.  
President, Title IV Review Committee

**"CONFIDENTIAL: FOR THE EYES OF THE PRESIDING BISHOP ONLY"**

GOODWIN PROCTER

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November 30, 2007

Via Federal Express

The Rt. Rev. Dorsey F. Henderson, Jr.  
Episcopal Diocese of Upper South Carolina  
1115 Marion Street  
Columbia, SC 29201

Re: Title IV Review Committee – Bishop of Pittsburgh

Dear Bishop Henderson,

The Presiding Bishop has asked us to submit the attached materials to the Title IV Review Committee for its consideration as to whether the Rt. Rev. Robert W. Duncan, Bishop of the Diocese of Pittsburgh, has abandoned the Communion of this Church under Canon IV.9. Specifically, she seeks the Review Committee's consideration of whether in his actions and substantive statements from September 2003 to the present, as disclosed in the attached materials as well as others submitted to you by representatives of the Diocese of Pittsburgh, Bishop Duncan has so repudiated the doctrine, discipline, and worship of the Episcopal Church as to have abandoned the Communion of the Church. The Presiding Bishop finds the attached materials particularly problematic, because they reveal concrete steps taken by Bishop Duncan that demonstrate (1) his persistent position that the Diocese may choose whether or not to remain a constituent part of the Episcopal Church, a choice that it does have the authority to make under the Church's Constitution; (2) his intention to lead the Diocese out of the Church and into affiliation with some other entity within the Anglican Communion, while retaining diocesan and

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parish property; (3) his commitment to establishing an “ecclesiastical structure in North America” that is “separate” from the Episcopal Church; and (4) his determination to confine any discussions with the Presiding Bishop to a mediated separation rather than reconciliation or healing within the Church.

The Presiding Bishop would appreciate consideration of this matter on an expedited basis.

The attached materials, of which we have enclosed nine copies, trace the course of Bishop Duncan’s actions from the meeting of the General Convention in 2003 through the most recent Annual Convention of the Diocese earlier this month. The materials, which are arranged in chronological order, include the following:

Tab A: Item 1: “A Report, A Call and A Teaching for the Leadership” (September 2003)

Item 2: “Proposed Resolutions; Special Diocesan Convention in the Aftermath of the 74<sup>th</sup> General Convention” (September 22, 2003)

Item 3: “Brief Commentary on Resolution Six” (undated)

In the first item, a letter to the Diocese, Bishop Duncan called for a special convention of the Diocese to consider its response to the 74<sup>th</sup> meeting of the General Convention, including an attempt to repudiate the Church’s “Dennis” or “trust” canon, Canon I.7.4. Item 2 sets out the six proposed resolutions considered at the Special Convention, including Resolution 6 which expressly rejects the principle set out in Canon I.7.4 that “[a]ll real and personal property held by or for the benefit of any Parish, Mission or Congregation is held in trust for this Church and the Diocese thereof in which such Parish, Mission or

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Congregation is located.” In Item 3, Bishop Duncan argues in favor of Resolution 6, noting that the proposal would “refute” the Church’s claim to parish property.

Tab B: Item 1: “Resolutions Presented before Convention” (November 2003)

Item 2: “Resolutions Presented before Convention” (November 2004)

Items 1 and 2 reflect the first and second readings of a proposed amendment to Article I, Section 1, of the Diocese’s Constitution that was supported by Bishop Duncan in 2003 and 2004. The amendment was added to the Constitution after it passed on the second reading in November 2004. Prior to the addition of this amendment, that provision of the Diocese’s Constitution simply stated:

“The Church in the Diocese of Pittsburgh, being a constituent part of the Protestant Episcopal Church in the United States of America, accedes to, recognizes, and adopts the Constitution and Canons of that Church, and acknowledges its authority accordingly.”

That statement constituted an “unqualified accession” as contemplated by Article V of the Church’s Constitution. The 2004 amendment, however, added the following sentence removing the “unqualified accession”:

“In cases where the provisions of the Constitution and Canons of the Church in the Diocese of Pittsburgh speak to the contrary, or where resolutions of the Convention of said Diocese have determined the Constitution and Canons of the Protestant Episcopal Church in the United States of America, or resolutions of its General Convention, to be contrary to the historic Faith and Order of the one holy catholic and apostolic church, the local determination shall prevail.”

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Tab C: Item 1: “Full Text of the Request to the Global South Primates”

(November 6, 2006)

Item 2: “Diocesan Standing Committee Outlines Request to Global South Primates” (January 29, 2007)

Item 3: “A Pastoral Letter from Bishop Robert Duncan” (January 29, 2007)

At a meeting in Virginia with certain Anglican Primates from the “Global South” in November 2006, Bishop Duncan and the Standing Committee of the Diocese of Pittsburgh issued a written plea to the Primates for “alternative Primatial oversight and pastoral care.” Item 1 is that written plea. It asks for “immediate” oversight “[d]uring the period in which a ‘separate ecclesiastical structure’ can be worked out” and “until a permanent and constituent Anglican Communion entity is in place in the United States.”

The letter to the Primates was made public by the Standing Committee on January 29, 2007, as reflected in Item 2, a news posting from the Diocese’s website. On that same date, Bishop Duncan posted Item 3, a letter to the Diocese, discussing the request to the Global South Primates and related matters in the Diocese. He noted that “[i]t is our continued commitment to protect the interest the diocese has in its property – indeed to protect all that it is steward over – against any who

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would attempt to usurp that role, either from below (minority parishes) or above (national church).”

The letter to the Primates also reports that in November 2006, the Diocese voted to “withdraw from the . . . Province of Washington” (Province III of the Episcopal Church).

Tab D: “Bishop Robert Duncan’s Pre-Convention Report” (September 11, 2007)

In this letter to the Diocese leading up to the November 2-3, 2007 Diocesan Convention, Bishop Duncan states that the “time has come to begin the process of realignment within the Anglican Communion.” Thus, constitutional amendments to be considered at the Convention “would begin the process to exercise our right to end the accession of the [Diocese] to the constitution and canons of the Episcopal Church,” “would make clear the right to end any claim of spiritual or canonical authority of the General Convention over the [Diocese],” and “would allow the [Diocese] to realign it self with another Province of the Anglican Communion.” According to Bishop Duncan, the proposed changes “are written in such a way . . . that continuing membership in the Episcopal Church remains a possibility if the Episcopal Church were to reverse its ‘walk apart’ from the Anglican Communion.”

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Tab E: Letter from Bishop Duncan to the Presiding Bishop (September 11, 2007)

In this letter, Bishop Duncan seeks to “open a dialogue” with the Presiding Bishop leading to mediation “as an alternative to litigation.” This “invitation” purports to result from a resolution by the Anglican Communion Network “supporting mediation” and directing that such an invitation issue to the Presiding Bishop. The letter makes clear that the purpose of the proposed mediation would be to begin now to resolve disputes arising out of departures from the Church: In Bishop Duncan’s words, where “matters of faith and practice . . . have become irreconcilable” professing Christians will “disengage[e] from one another.” There is no indication that any sort of reconciliation or healing within the Church is contemplated by such mediation.

Tab F: “Anglican Bishops Take First Steps to New Structure” (September 29, 2007)

This news item posted on the Diocese’s website names Bishop Duncan as the “convener” of the first Common Cause Council of Bishops in Pittsburgh on September 25-28, 2007. The bishops of the Council, including Bishop Duncan, issued a joint statement that, among other things, “declare[s] clearly that we are taking this as a first step in the formation of the ‘separate ecclesiastical structure’ in North America.”

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Tab G: Item 1: “Proposed Constitutional Amendments” (undated)

Item 2: “FAQ Outlines Purpose, Reasons for Resolution One” (October 17, 2007)

Item 3: “Frequently Asked Questions: Resolution One” (undated)

These items, posted on the Diocese’s website in October 2007, set out and discuss proposed amendments to the Diocese’s Constitution to be considered at the November 2-3, 2007 Diocesan Convention. These proposed amendments, set out in Item 1 and described below, were supported by Bishop Duncan and, as shown below, were approved by the Convention on first reading.

The first proposed amendment addresses the same constitutional provision that was amended on second reading in November 2004. See Tab B. As discussed above, the November 2004 version, which is the version in effect today, no longer contains an “unqualified accession” to the Constitution and canons of the Episcopal Church. The 2007 proposal would delete the amended Section 1 entirely and replace it with the language set out in Item 1. This change would remove all reference to the Episcopal Church; instead of stating that the Diocese is a constituent part of the Episcopal Church (whose Constitution in turn states that it is a constituent part of the Anglican Communion), the proposed language states only that the Diocese is a constituent part of the Anglican Communion.

The second proposed amendment would add a new Section 2 to Article I, declaring that the Diocese “shall have membership in such Province of the Anglican Communion as is by diocesan Canon specified.” This provision incorrectly presumes that the Diocese has the authority to decide whether to be

part of the Episcopal Church or some other Province of the Anglican Communion.

The third proposed amendment would renumber existing Section 2 of Article I as Section 3, and would permit "parishes outside of the [geographic] boundaries" of the Diocese to be added to the Diocese, notwithstanding the provisions of Article V of the Church's Constitution and the Church's Canon I.10 that only the General Convention may alter the geographic boundaries of a Diocese.

The fourth proposed amendment would change Article XII of the Diocesan Constitution, currently entitled "Deputies to General Convention." The proposed amendment would change the title to "Deputies to Extra-Diocesan Conventions or Synods" and strip all references to the Episcopal Church's General Convention from the Article.

Item 2 states that the Diocesan office prepared a "document outlining answers" to questions about these amendments. Item 3 is that document. It states that amendments would "secure for the Diocese the right to seek an alternative Provincial affiliation." After the proposals pass their first reading, "a discussion would be undertaken about which Anglican Province to affiliate with upon disaffiliation from the Episcopal Church."

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Tab H: "Report of the Committee on Constitutions and Canons: Recommendations of Constitutional and Canonical Changes for Adoption at the 142<sup>nd</sup> Annual Convention"

This item sets out a list of proposed canonical changes that were supported by Bishop Duncan and considered by the recent Annual Convention. Two proposals in particular are of note, both of which passed and are currently in effect:

Proposal number 2 deletes from diocesan Canon III.2a the requirement that parochial reports be made "upon forms prepared by the Executive Council of the Church," in violation of Episcopal Church Canon I.6.1 which requires that such reports be made "in the form authorized by the Executive Council and approved by the Committee on the State of the Church." Proposal number 20 amends diocesan Canon XXVI.1, which sets out the procedure for electing deputies to the Provincial Synod. The amendment changes the phrase "Deputies to the Provincial Synod of the Province of Washington . . ." to "Deputies to a Provincial Synod in which the diocese shall be a participating member . . .," thus attempting to pave the way for the election of deputies to a Synod of a Province other than one that is part of the Episcopal Church.

Tab I: Item 1: Letter from the Presiding Bishop to Bishop Duncan (October 31, 2007)

Item 2: Letter from Bishop Duncan to the Presiding Bishop (November 1, 2007)

The first item is a letter from the Presiding Bishop to Bishop Duncan, written in advance of the recent Diocesan Convention, asking that Bishop Duncan "lead [his] diocese on a new course that recognizes the interdependent and hierarchical

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relationship between the national Church and its dioceses and parishes,” and that he “change [his] position and urge [his] diocese at its forthcoming convention not to adopt the resolutions” that would violate the national Church’s Constitution and canons. Item 2 is Bishop Duncan’s response, which states as follows:

“Here I stand. I can do no other. I will neither compromise the faith once delivered to the saints, nor will I abandon the sheep who elected me to proceed.”

Tab J: “Bishop Robert Duncan Addresses the 142<sup>nd</sup> Convention to the Diocese”  
(November 2, 2007)

This item contains the text of Bishop Duncan’s address to his Diocesan Convention on November 2, 2007. In it he makes clear his view that there is no hope for reconciliation or healing within the Episcopal Church, but that separation from it is unavoidable. In his words, the Diocese has “come to a fork in the road” where different groups’ “understandings [of the Gospel] are . . . mutually exclusive, even destructive to one another.” Thus, “[o]ur differences are presently irreconcilable.” As to disagreement within the Episcopal Church, “there is no prospect of resolution, only of a mediated separation.”

Further, in Bishop Duncan’s view, “[n]ational actions have now dictated that we must [choose between the national Church or the Diocese].” He reports that, for the majority of his Diocese, the choice of “realignment of the diocese with another Province of the Communion . . . would be preferable” to continuing

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November 30, 2007

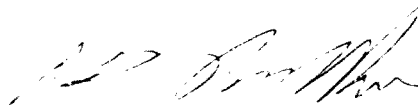
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what he describes as “the fruitless effort at continued federation with the Episcopal Church.”

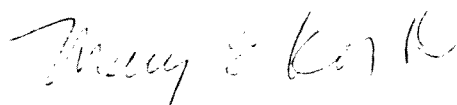
Tab K: “Resolution One Approved” (November 2, 2007)

This news item posted on the Diocese’s website reports that the proposed constitutional amendments supported by Bishop Duncan passed the first reading at the November 2-3, 2007 Diocesan Convention. While Bishop Duncan is quoted as saying that “[t]his vote does not change the diocese’s current affiliation with The Episcopal Church,” Bishop Duncan also reportedly set out plans for the diocese in the next year to (in the words of the reporter) “determine which province it might realign with, develop acceptable options for congregations unwilling to realign, and negotiate with the Episcopal Church nationally and others locally about a mediated alternative to continuing or escalating legal battles.”

Respectfully,



David Booth Beers



Mary E. Kostel

Attachments

cc: Jack W. Burtch, Esquire

DeForest Koscelnik Yokitis & Kaplan

Attorneys at Law

Walter P. DeForest  
Direct dial: 412-227-  
3101  
deforest@dkykb.com

November 19, 2007

*Via Federal Express*

~~The Right Reverend Dorsey F. Henderson, Jr.  
Senior Bishop of the Review Committee  
of the Protestant Episcopal Church  
in the United States of America  
1115 Marion Street  
Columbia, SC 29201~~

**Re: Bishop Robert Duncan**

Dear Bishop Henderson:

I am forwarding herewith nine copies of a letter (with a detailed Addendum) concerning Bishop Robert Duncan. The letter has been executed by 21 persons who are either priests or adult communicants in good standing in the Episcopal Diocese of Pittsburgh. The letter requests that the Review Committee review Bishop Robert Duncan's actions under Title IV Canon 9 and any other applicable provisions of the Constitution and Canons of TEC. You will note that one of the Exhibits to the Addendum is the "Choose This Day" video. Since we do not have sufficient copies for every member of the Committee, we have included one in the packet found at Exhibit 31 in the first copy of the Addendum found herein. You may contact me with any questions.

Very truly yours.

DeFOREST KOSCELNIK YOKITIS & KAPLAN  
& BERARDINELLI

By



Walter P. DeForest

WPD:sb  
Enclosures

cc: David B. Beers, Esquire, with enclosures ✓  
Mary E. Kostel, Esquire, with enclosures

# CONFIDENTIAL

November 2007

The Right Reverend Dorsey F. Henderson, Jr.  
Senior Bishop of the Review Committee  
of the Protestant Episcopal Church  
in the United States of America  
1115 Marion Street  
Columbia, SC 29201

**Re: Bishop Robert Duncan**

Dear Bishop Henderson:

We the undersigned believe, based upon the occurrences set forth in Addendum A, that Bishop Robert Duncan is not committed to the Protestant Episcopal Church in the United States of America ("TEC"), and cannot be relied upon to administer the decisions of the General Convention of TEC or the Constitution and Canons of TEC, or the Constitution and Canons of the Pittsburgh Diocese of TEC in the interests of or consistent with the Constitution and Canons or the actions of the General Convention of TEC, or to administer the assets of TEC in the interests of or consistent with the Constitution and Canons or the actions of the General Convention of TEC. We request that the Review Committee review his actions under Title IV Canon 9 and any other applicable provisions of the Constitution and Canons of TEC.

Very truly yours,

Arthur Leonard Lewis priest canonically resident in Episc. Dioc. of Pittsburgh  
Episcopal Diocese of Pittsburgh

Charles R. Hopson, adult communicant in good standing in the  
Episcopal Diocese of PA  
W. J. [unclear] adult communicant in good standing in the

Leslie G. Reimer Priest canonically resident in the Episcopal Diocese of Pennsylvania

Catherine N. Murray Priest canonically resident in the Episcopal Diocese of Pennsylvania

Cynthia Bronson Adelger Priest canonically resident in the Episcopal Diocese of Pittsburgh

# CONFIDENTIAL

November 2007

The Right Reverend Dorsey F. Henderson, Jr.  
Senior Bishop of the Review Committee  
of the Protestant Episcopal Church  
in the United States of America  
1115 Marion Street  
Columbia, SC 29201

**Re: Bishop Robert Duncan**

Dear Bishop Henderson:

We the undersigned believe, based upon the occurrences set forth in Addendum A. that Bishop Robert Duncan is not committed to the Protestant Episcopal Church in the United States of America ("TEC"), and cannot be relied upon to administer the decisions of the General Convention of TEC or the Constitution and Canons of TEC, or the Constitution and Canons of the Pittsburgh Diocese of TEC in the interests of or consistent with the Constitution and Canons or the actions of the General Convention of TEC, or to administer the assets of TEC in the interests of or consistent with the Constitution and Canons or the actions of the General Convention of TEC. We request that the Review Committee review his actions under Title IV Canon 9 and any other applicable provisions of the Constitution and Canons of TEC.

Very truly yours,

Wm R Henderson, M.D.

Lois L. Nisbet, M.D.

Elizabeth N. Nisbet, M.D.

Ann C. Tucker, M.D.

Robert Gray Dill

adult communicant in good standing - Episc Diocese of Pittsburgh

Adult Communicant in good standing, Episc Diocese of Pittsburgh

Adult Communicant in good standing - Episcopal Diocese of Pittsburgh

adult communicant in good standing, Episcopal Diocese of Pittsburgh

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November 2007

The Right Reverend Dorsey F. Henderson, Jr.  
Senior Bishop of the Review Committee  
of the Protestant Episcopal Church  
in the United States of America  
1115 Marion Street  
Columbia, SC 29201

**Re: Bishop Robert Duncan**

Dear Bishop Henderson:

We the undersigned believe, based upon the occurrences set forth in Addendum A, that Bishop Robert Duncan is not committed to the Protestant Episcopal Church in the United States of America ("TEC"), and cannot be relied upon to administer the decisions of the General Convention of TEC or the Constitution and Canons of TEC, or the Constitution and Canons of the Pittsburgh Diocese of TEC in the interests of or consistent with the Constitution and Canons or the actions of the General Convention of TEC, or to administer the assets of TEC in the interests of or consistent with the Constitution and Canons or the actions of the General Convention of TEC. We request that the Review Committee review his actions under Title IV Canon 9 and any other applicable provisions of the Constitution and Canons of TEC.

Very truly yours,

Charles [Signature]

ADULT COMMUNICANT IN GOOD  
STANDING IN THE EPISCOPAL  
DIOCESE OF PITTSBURGH

John [Signature]

ADULT COMMUNICANT IN  
STANDING IN THE EPISCOPAL  
DIOCESE OF PITTSBURGH

W. [Signature]

Adult Communicant in good standing in the Episcopal  
Diocese of Pittsburgh

[Signature]

Adult Communicant in Good Standing in the  
Episcopal Diocese of Pittsburgh

Thomas W. Howard

Adult Communicant in good standing in the Episcopal Diocese  
of Pittsburgh

[Signature]

Adult Communicant in good standing in the Episcopal Diocese of  
Pittsburgh

# CONFIDENTIAL

November 2007

The Right Reverend Dorsey F. Henderson, Jr.  
Senior Bishop of the Review Committee  
of the Protestant Episcopal Church  
in the United States of America  
1115 Marion Street  
Columbia, SC 29201

*Re: Bishop Robert Duncan*

Dear Bishop Henderson:

We the undersigned believe, based upon the occurrences set forth in Addendum A, that Bishop Robert Duncan is not committed to the Protestant Episcopal Church in the United States of America ("TEC"), and cannot be relied upon to administer the decisions of the General Convention of TEC or the Constitution and Canons of TEC, or the Constitution and Canons of the Pittsburgh Diocese of TEC in the interests of or consistent with the Constitution and Canons or the actions of the General Convention of TEC, or to administer the assets of TEC in the interests of or consistent with the Constitution and Canons or the actions of the General Convention of TEC. We request that the Review Committee review his actions under Title IV Canon 9 and any other applicable provisions of the Constitution and Canons of TEC.

Very truly yours,

*Laurence McKinnon, rector,  
communicant in the Episcopal Diocese  
of Pittsburgh*

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*US  
Senneth E. Spradley*

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*Adult Communicant in good standing  
in the Episcopal Diocese of Pittsburgh*

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# CONFIDENTIAL

November 2007

The Right Reverend Dorsey F. Henderson, Jr.  
Senior Bishop of the Review Committee  
of the Protestant Episcopal Church  
in the United States of America  
1115 Marion Street  
Columbia, SC 29201

*Re: Bishop Robert Duncan*

Dear Bishop Henderson:

We the undersigned believe, based upon the occurrences set forth in Addendum A, that Bishop Robert Duncan is not committed to the Protestant Episcopal Church in the United States of America ("TEC"), and cannot be relied upon to administer the decisions of the General Convention of TEC or the Constitution and Canons of TEC, or the Constitution and Canons of the Pittsburgh Diocese of TEC in the interests of or consistent with the Constitution and Canons or the actions of the General Convention of TEC, or to administer the assets of TEC in the interests of or consistent with the Constitution and Canons or the actions of the General Convention of TEC. We request that the Review Committee review his actions under Title IV Canon 9 and any other applicable provisions of the Constitution and Canons of TEC.

Very truly yours,

*The Rev. Deane E. R. Shepard, priest, Episcopal Diocese of Pittsburgh*

*Deane E. R. Shepard*

*a duly communicant in good standing  
with the Episcopal Diocese  
of Pittsburgh*

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## Addendum A

### I. BISHOP DUNCAN'S ACTIONS IN PROPOSING CHANGES IN THE CONSTITUTION AND CANONS OF THE DIOCESE OF PITTSBURGH TO ELIMINATE ACCESSION TO AND THE ROLE OF TEC AND HIS ACTUAL PARTICIPATION IN THE CREATION OF A "SEPARATE ECCLESIASTICAL STRUCTURE" REQUIRE HIS REMOVAL AS A BISHOP OF TEC.

We respectfully submit that the below described actions by Bishop Robert Duncan to set up the Diocese of Pittsburgh as an authority unto itself and apart from the Protestant Episcopal Church in the United States of America ("TEC") and the steps that are being taken by him to establish a "separate ecclesiastical structure" in North America are highly improper. This disregard of the Discipline<sup>1</sup> of TEC, constitutes abandonment of the Communion of TEC and is, in our view, inconsistent with Bishop Duncan's remaining as a Bishop in the organization he is attempting to dismantle.

#### A. *The Proposals for the Annual Diocesan Convention November 2-3, 2007 Clearly Are Violative of the Discipline of The Episcopal Church.*

The 11<sup>th</sup> September, 2007 pre-Convention Report letter to the Clergy and Lay Leaders of the Diocese of Pittsburgh, signed by Bishop Duncan, regarding the actions to be taken at the November 2-3, 2007, Annual Convention, states:

"It appears to many of us – bishops, clergy, laity – that a moment of decision has arrived in the Anglican Communion. The Windsor Report and Primates Communiqués from Dromantine and Dar es Salaam have asked The Episcopal Church and the Anglican Church of Canada to take clear actions committing these two Provinces of the Anglican Communion to 'walking together' with rather than 'walking apart' from the Communion. After four years the official, as well as general, response from The Episcopal Church seems to be 'we'll do it our way.' Moreover rejection (by both the House of Bishops and Executive Council) of proposals to allow sufficient integrity to dioceses like Pittsburgh, concerning traditional Faith and Order, now seem all but final. A last minute reversal by the House of Bishops (prior to a September 30<sup>th</sup> deadline established by the Communion) seems most unlikely. In light of these events, with heavy hearts and for the sake of our mission, it appears the time has come to begin the process of realignment within the Anglican Communion.

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<sup>1</sup> TEC Canon IV.15 provides as follows: "**Discipline** The Discipline of the Church shall be found in the Constitution, the Canons, and the Rubrics and the Ordinal of the Book of Common Prayer."

Constitutional changes proposed for consideration at the 142nd Annual Convention would begin the process to exercise our right to end the accession of the Episcopal Diocese of Pittsburgh to the constitution and canons of the Episcopal Church of the United States of America. The accession clause first appeared in the Constitution of our Diocese in 1868. The effect of the changes would make clear the right to end any claim of spiritual or canonical authority of the General Convention of the Episcopal Diocese of Pittsburgh and would allow the Episcopal Diocese of Pittsburgh to realign itself with another Province of the Anglican Communion. The proposed changes are written in such a way, however, that continuing membership in The Episcopal church remains a possibility if The Episcopal Church were to reverse its "walk apart" from the Anglican Communion." (See Exhibit 1.)

There is other evidence of Bishop Duncan's responsibility for the proposal of these Constitutional changes. The annual diocesan leadership retreat was held May 21, 2007. Bishop Duncan presided at this retreat. It was organized as a planning retreat with a facilitator who presented four possible paths and then led the discussion in which the Bishop participated fully. The original handwritten notes, taken by a participant (See Exhibit 1A) at this leadership retreat, show Bishop Duncan conveying a sense of urgency if the diocese expected support from Africa in leaving.

At a follow-up retreat at the end of June, Bishop Duncan again participated. Notes of his comments (Exhibit 1B) are preceded by the initials "RWD" and include his citation of separation of nine dioceses as the only previous precedent.

We also have a witness who will testify that at the September 2007 meeting of the Diocesan Council, Bishop Duncan introduced the discussion of proposed amendments eliminating the accession clause from the diocesan constitution, with the comment that he had asked Chancellor Robert Devlin to prepare these revisions. *See* Verification of Dr. Joan Gundersen, attached as Exhibit 1C.

The package of proposed Constitutional and Canonical changes intended for the November 2-3, 2007, diocesan Annual Convention made clear Bishop Duncan's purpose. Those changes, are found in three places: Resolution One (Exhibit 2), Report of the Committee on Constitutions and Canons (Exhibit 3), and the Addenda to the Report of the Committee on Constitutions and Canons. (Exhibit 4).

1. Resolution One Proposed The Following Amendments To The Diocese's Constitution and Canons:

- (a) To Article I Section 1 amending the Accession Clause so that it would read as follows:

"The Church in the Diocese of Pittsburgh is a constituent member of the Anglican Communion, a Fellowship within the One, Holy, Catholic and Apostolic church of those duly constituted Dioceses, Provinces and

regional churches in communion with the See of Canterbury, upholding and propagating the historic Faith and Order as set forth in the Book of Common Prayer.”

(b) To create a new Article I Section 2 as follows:

“The diocese of Pittsburgh shall have membership in such Province of the Anglican Communion as is by diocesan Canon specified.”

(c) To amend and restate the current Article I Section 2 to allow parishes in any part of the country or the world to be part of the Diocese.

(d) To restate Article XIII to eliminate the following requirements for admission to the Diocese:

- (i) that a parish be within the limits of the Diocese and
- (ii) that a parish must recognize the authority of the Constitution, Canons, doctrines, Discipline and worship of the Protestant Episcopal Church in the United States of America.

The first reading of these constitutional amendments occurred at the convention on November 2, 2007, and the measures passed in a secret ballot. *See* Bishop Duncan’s opening Address (Exhibit 4A) for further evidence of his intentions to lead the Diocese out of TEC.

“As a diocese we have come to a fork in the road. Some will take one course forward. Others will elect the other course. All of us will choose the road we do because of our Faith, because of how we understand the Gospel. But our understandings are quite different. Indeed, it has become clear that our understandings are not only different, but mutually exclusive, even destructive to one another.

This is not a place we would wish to stay, even if we could. Forces beyond our control have been inching us toward – sometimes hurtling us toward – this fork for a very long time.

...

The issue before us is realignment (Resolution One) or full accession (Resolution Two), and the fork in the road is now. There are two roads, mutually exclusive, between which all must decide (or default) to choose.”

2. Report of the Committee on Constitution and Canons

Item 2 eliminated reference in Canon III, Section 2a to "forms prepared by the Executive Council of the Church" by replacing it with "standard forms." This amendment passed at the November 2007 Convention and was effective immediately.

Item 20 thereof proposed amending Canon XXVI Section 1 regarding selection of Delegates to the Provincial Synod of the Province of Washington to refer, instead, to "a Provincial Synod in which the diocese shall be a participating member." This amendment passed at the November 2007 Convention and was effective immediately.

3. The Addenda to the Report of the Committee on Constitutions and Canons

Item 6 proposes replacement of the requirement in Rules of Order, B.3 (Nominations) that candidates for officers nominated by the Nominating Committee be "a Communicant in good standing of the Episcopal Church in the Diocese of Pittsburgh" with the requirement that such person be "a Communicant in good standing in the Diocese of Pittsburgh." This rules change passed at the November 2007 Convention and was effective immediately.

***B. On September 28, the "Common Cause" Council of Bishops Convened by Bishop Duncan Took the First Steps in the Formation of a "Separate Ecclesiastical Structure" in North America in Contravention of the Constitution And Canons and the Interests of the Episcopal Church.***

The attached materials posted on the Pittsburgh Diocesan website on September 28, 2007 are self-explanatory. Exhibits 5 and 6. The picture and accompanying text demonstrate that Bishop Duncan is leading the efforts of this group that he convened in Pittsburgh for purposes inimical to the interests of TEC, and we believe, contrary to his obligations under the Constitution and Canons of TEC. Item 2 on page 2 of the Common Cause Council of Bishops Statement, states as follows:

"We declare clearly that we are taking this as a first step in the formation of the 'separate ecclesiastical structure' in North America called for at Kigali in September, 2006."

We submit that a Bishop's creation of a separate ecclesiastical structure is contrary to the Constitution and Canons of TEC. Not only do the Constitution and Canons of TEC provide that a Bishop of TEC is a member of only that ecclesiastical structure, and therefore such creation constitutes further renunciation of the Discipline of TEC, but Title IV Canon 9, Section 1 also specifically directs that abandonment of communion may consist of "exercising episcopal acts in and for a religious body other than this Church or another

Church in Communion with this Church. so as to extend to such body Holy Orders as this Church holds them. or to administer on behalf of such religious body Confirmation without the express consent and commission of the proper authority in this Church.”

Further, we note that Bishop Duncan continues to use employees of the Diocese to advance such efforts. See the attached email from Peter Frank, the Diocese’s Communications Director to the Reverend Leslie Reimer forwarding the link to the Common Cause Bishops Statement. (Exhibit 7.)

The attached report of an interview with Bishop Duncan on September 27, 2007 indicates that the House of Bishops’ response (at their September 2007 meeting) to the Primates’ Communiqué was not going to deter him from going forward with his plans. His pre-Convention report had stated that: “A last minute reversal by the House of Bishops (prior to a September 30<sup>th</sup> deadline established by the Communion) seems most unlikely.” He is quoted as saying, regarding the House of Bishops’ response: “Well, it’s not enough for the dioceses like my own that really don’t see a way to go forward within the Episcopal Church.” See Exhibit 7A, Educational Broadcasting System, WNET New York, *Religion & Ethics Newsweekly*, Interview: Bishop Robert Duncan, September 28, 2007, Episode No. 1104.

As Parts IA and II of the submission make clear this is not merely a case of someone signing a document. Bishop Duncan, as demonstrated in Part IA, is actively dismantling the provisions of the Constitution and Canons that involve the Diocese with TEC. As Part II demonstrates this has been a long conducted endeavor to establish an ecclesiastical structure separate from TEC.

***C. Bishop Duncan has refused all advice that the constitutional amendments proposed were “out of order” and beyond the power of the diocese to consider, and has used his position as chair of convention to affirm the measures.***

In June 2007 Executive Council responded to a request initiated by some Episcopalians in the Diocese of Pittsburgh for a declaration that the qualifications previously added to the Accession Clause in Article 1 section 1 of the diocesan constitution were null and void. That request was presented to the Province III representatives on Council, who took the matter to the appropriate committee of Executive Council, resulting, we believe, in a recommendation for a Council resolution. As reported in press releases by the Episcopal News Service on the actions of the Council, Executive Council voted that

“Any amendment to a diocesan constitution that purports in any way to limit or lessen an unqualified accession to the constitution of The Episcopal Church is null and void, and be it further resolved that the amendments passed to the constitutions of the dioceses of Pittsburgh, Fort Worth, Quincy and San Joaquin, which purport to limit or lessen the

unqualified accession to the constitution of The Episcopal Church are accordingly null and void and the constitutions of those dioceses shall be as they were as if such amendments had not been passed." (Exhibit 7B & 7C)

The Chancellors of the four dioceses issued a joint statement denying the authority of Executive Council to make such rulings and reasserting their right to withhold accession to matters they considered "unbiblical." (Exhibit 7C) As already noted above, Bishop Duncan requested that the Chancellor of the diocese prepare further constitutional amendments, for consideration at the November 2007 Diocesan Convention, that would eliminate the Accession Clause, thus not only ignoring the advice of Executive Council, but extending the efforts to reject the Accession Clause.

Two days before the start of the November 2-3, 2007 Diocesan Annual Convention, a letter from Presiding Bishop Katharine Jefferts Schori was made public. In that letter she urged Bishop Duncan to "... recede from this direction and to lead your diocese on a new course that recognizes the interdependent and hierarchical relationship between the national Church and its dioceses and parishes. That relationship is at the heart of our mission, as expressed in our polity. Specifically, I sincerely hope that you will change your position and urge your diocese at its forthcoming convention not to adopt the resolutions that you have until now supported." (Exhibit 7D)

Bishop Duncan's response at convention was threefold. First he used his opening address to argue that the diocese was at a "fork in the road" and that "The Time Has Come" to make a decision. He urged the undecided to make a choice in the following words:

There are always folks caught in the middle, folks whose loyalties with good reason run in both directions, and there are folks who wish the whole conflict would just "go away." This is an exceedingly difficult place to be. I know how hard it is, for I have been there too. All of us have, especially as this heartbreaking conflict has unfolded.

To the still undecided or "torn" deputies in this Annual Convention I would offer one thought. The matter finally comes down to an unavoidable choice between cultures. There is the culture of the wider Episcopal Church: theologically innovative, at the edge of mainstream Christianity, secularly attuned, declining, canonically fundamentalist, and ready to sue or depose to obtain its way. By contrast, there is the culture of the Episcopal Diocese of Pittsburgh: Scripturally centered, critiquing the secular agenda, among the fastest (and few) growing dioceses of the Episcopal Church (relative to population decline), focused on congregational mission, allowing vast freedoms in the form and manner of ministry. Given that we must choose

and I do believe that national actions have now dictated that we must – which is the predominant culture we desire individually and corporately to embrace: national Church or local diocese?” (Exhibit 4A)

Secondly, immediately following the Address, Bishop Duncan read his response to the Presiding Bishop’s letter and announced it was being sent immediately. The response rejected any course other than proceeding with the vote. (Exhibit 7E). Thirdly, at the beginning discussion on Resolution 1, Bishop Duncan ruled against a request to declare Resolution out of order. The minutes for the convention are not yet available, but we can provide a witness to such ruling. See Verification of Dr. Joan Gundersen, attached as Exhibit 1C.

***D. Bishop Duncan has consistently taken the position that the Diocese of Pittsburgh can leave The Episcopal Church and that those who wish to remain in The Episcopal Church will need to withdraw from the diocese and negotiate for their property. This assertion allows the diocese to claim any parish that remains silent thus has chosen to leave TEC with the diocese and separate all property of whatever kind from the Episcopal Church.***

Bishop Duncan is on record in numerous places making the assertion that those wishing to remain in TEC will have to leave the diocese.

1. As early as 2003, Bishop Duncan noted in his “Teaching” presented at each session of the pre-convention hearing for the special Convention held in September 2003, that “Some among us do stand with the 74th General Convention, just as some opposed last year’s local convention resolution. I believe we must honor them as the brothers and sisters they are, and that this can best be done by permitting them the freedom to separate from us ...” (Exhibit 8A)
2. Canon Mary Hays relayed Bishop Duncan’s sentiments in an e-mail to the leaders of St. Stephen’s, Wilkinsburg as they were negotiating the description of the parish for a parish profile. The parish wished to place a statement of intent to remain in TEC in that profile, but Bishop Duncan replied, “would it not be accurate to say, ‘St. Stephen's is a parish that wishes to maintain its membership in and support of the Episcopal Church USA, and is prepared to leave the Diocese of Pittsburgh, if necessary.’” (Verification of Dr. Joan Gundersen, Exhibit 1C) In order to win approval of the profile, the parish dropped the statement entirely.
3. When asked at the September 2007 Diocesan Council meeting what the proposed constitutional amendments removing the accession clause would mean for parishes wishing to remain in the Episcopal Church, Bishop Duncan replied that the signed agreement from the Calvary lawsuit had provided a specific process for parishes to follow to withdraw from the diocese and those parishes wishing to

remain in TEC would need to follow that process. There is a witness to the meeting willing to testify to this answer. Bishop Duncan's reply completely misconstrues the Court Order in the Calvary lawsuit. See Verification of Dr. Joan Gundersen, attached as Exhibit 1C.

4. Bishop Duncan's Address to the convention reinforced these statements first by noting that "It is clear to most on both sides, that continuing efforts to convince, at best, and coerce, at worst, will only deepen the failure of all. A charitable and gracious provision for the minority to stay within the realigned fellowship of the Episcopal Diocese of Pittsburgh or to be given freedom to separate from us and align more directly with the wider Episcopal Church has also emerged as a course for which there is, I believe, a strengthening consensus." (Exhibit 4A)

We believe the time has come for TEC to formally address the reality that it cannot have a person who is creating a separate ecclesiastical structure continue as its representative with episcopal authority regarding clergy, communicants, and property in the Diocese of Pittsburgh. Bishop Duncan stated in his annual Address at convention, that "If Resolution One passes, our work in the year ahead would likely include determination of the Province with which the Episcopal Diocese of Pittsburgh might re-align, development of acceptable options available to minority congregations, and negotiation, both nationally and with plaintiffs locally, about a mediated alternative to continuing or escalating litigation." (Bishop's Address, Exhibit 4A) Thus it is clear that he will continue plans to remove the diocese from The Episcopal Church while taking as much property as possible. It would be both a mockery and a breach of fiduciary duty to allow such a person to remain in office supposedly conducting the business of a diocese of The Episcopal Church.

## **II. BISHOP DUNCAN'S ACTIONS OVER MANY YEARS DEMONSTRATE HIS ULTIMATE GOAL OF ESTABLISHING A SEPARATE ECCLESIASTICAL STRUCTURE IN NORTH AMERICA AND TAKING PROPERTY OUTSIDE TEC AND THOSE ACTIONS ARE CONTRARY TO THE CONSTITUTION AND CANONS OF TEC AND HIS DUTIES AS A BISHOP.**

The following actions indicate what we believe has been a long history of a concerted effort by Robert Duncan to repudiate the lawful actions of The Episcopal Church ("TEC") and to wrest control of the property within TEC from the jurisdiction of TEC.

For those who ask how Robert Duncan's efforts to take property outside TEC is relevant to the abandonment of communion question, it is submitted (1) that such efforts are directly contrary to observance of the Dennis Canon and thus constitute denial of the Discipline of TEC and (2) attempting to take property outside TEC is related to his efforts to lead parishioners outside TEC. The Geoffrey Chapman Letter on Network Strategy dated December 28, 2003 (as confirmed in *Washington Post*, found as Exhibit

25 and discussed subsequently herein) is a game plan to remove property and people from TEC. As discussed *infra* Bishop Duncan has acknowledged that he had asked Rev. Chapman to prepare such a memo.

The public actions by Bishop Robert Duncan in 2003 foretold the events of the ensuing four years. Those public actions were his initiation and conduct of a Special Diocesan Convention of the Pittsburgh Diocese in September 2003 at which Bishop Duncan:

- At the pre-convention meetings for the Special Convention, offered a "Teaching" in which he declared, "The actions of the 74th General Convention have established the values of one of these churches beyond limits acceptable to the other. Sadly, some form of separation thus becomes inevitable. Both churches will claim that it was the other church that 'left,' that it is the other side that brought on the separation." (Exhibit 8a)
- Declared that the Episcopal Church and the actions of its general Convention were "unconstitutional" and an "apostasy." See Letter from Defendant Bishop Duncan to All Clerical and Lay Deputies to the September 2003 Diocesan Special Convention, dated September 4, 2003 (attached as Exhibit 8).
- Supported passage of a resolution which declared acts of the 74th General Convention of the Episcopal Church null and void. Resolution One of the September 27, 2003 Special Convention of the Diocese (the "Special Convention"). The Resolutions of the Special Convention are attached as Exhibit 9.
- Supported and has carried out the intention to withhold payments of any money from the Diocese to the Episcopal Church. Resolution Four of the Special Convention.
- Supported a resolution and sought recognition as a distinct group independent of the Episcopal Church. Resolution Two of the Special Convention.
- Supported the passage of a resolution which sought to countermand and refute the Dennis Canon of the Episcopal Church which deals with church property. Resolution Six of the Special Convention.

Resolution Six, "Title to Property," that was passed by the September 27, 2003 Special Convention of the Diocese at the behest of Bishop Duncan made clear Bishop Duncan's aims regarding property of TEC and a lack of respect for its Canons. Resolution Six provided:

## TITLE OF PROPERTY

Property held by the Board of Trustees of the Church in the Episcopal Diocese of Pittsburgh for the use of a Parish, Mission Fellowship or Diocesan Organization belongs beneficially to such Parish, Mission Fellowship or Diocesan Organization only. No adverse claim to such beneficial interest by any other body, by the Diocese, or by The Episcopal Church in the United States of America is acknowledged, but rather is expressly denied. All other property of the Church in the Episcopal Diocese of Pittsburgh is held by the Board of Trustees for the Episcopal Diocese of Pittsburgh for those exempt religious purposes within the meaning of the Internal Revenue Code of the United States of America. Such exempt religious purposes shall be those determined by the Convention of the Church in the Episcopal Diocese of Pittsburgh and the appropriate officers elected by it. No adverse claim to such beneficial interest by the Episcopal Church in the United States of America or any other body is acknowledged, but rather is expressly denied.

The "Commentary" on Resolution Six issued by Bishop Duncan stated that, regarding both property held for the use of a parish and property held by the Diocese in general, the Dennis Canon of the Constitution and Canons of the Episcopal Church (Title I, Canon 7, Section 4) would not apply. The Dennis Canon, of course, provides, *inter alia*, that all property held by or for a parish is held in trust for the Episcopal Church and the Diocese. The Commentary to Resolution Six, issued by Bishop Duncan (Exhibit 10), provided as follows:

### Brief Commentary on Resolution Six

Property held by the Board of Trustees of the Church in the Episcopal Diocese of Pittsburgh for the use of a Parish, Mission Fellowship or Diocesan Organization belongs beneficially to such Parish, Mission Fellowship or Diocesan Organization only.

All real estate and other property (for example, furniture, equipment, unrestricted endowments) which is held in the name of the Board of Trustees of the Episcopal Diocese of Pittsburgh and intended for use by a parish or other diocesan entity may not be interfered with by any other party. The parish (or other Diocesan entity) is granted an exclusive beneficial interest in the property. In this case, a beneficial interest is a right to use the property for its intended purpose. It differs from a legal interest in that the parish or other diocesan entity does not have the right to encumber (through a mortgage for example) or dispose of the property. The legal interest remains with the Board of Trustees. A practical example of this is that a congregation may use its buildings at [sic] it sees fit, but the congregation may not mortgage the property or

sell any part of it without Diocesan consent. If a parish were to leave the Episcopal Diocese of Pittsburgh, the parish would forfeit its beneficial interest in the property held by the Board of Trustees.

This provision is not intended to address property titled in the name of individual parishes (or other Diocesan entities). It is our belief that parishioners who contributed to acquire property for their parishes were doing so with the expectation that the property would belong to the parishes. In most cases they were not making those contributions with the understanding that ultimate control of the property would be vested in the national Church office or the Diocese. We believe that it would be inappropriate for the national Church office or the Diocese to attempt to take ownership of such property. As discussed below, the national Church office, through application of the Dennis Canon, has taken a different view.

No adverse claim to such beneficial interest by any other body, by the Diocese, or by the Episcopal Church in the United States of America is acknowledged, but rather is expressly denied.

This sentence addresses primarily the so-called Dennis Canon of the Episcopal Church in the United States of America. This canon, which was adopted in 1979, claims that all real and personal property held by or for the benefit of any Parish, Mission or Congregation is held in trust for this Church [i.e., the Episcopal Church in the United States of America] and the Diocese thereof in which such Parish, Mission or Congregation is located. The effect of this canon is to impose a constructive trust over all property in the favor of the Episcopal Church in the United States of America and the Diocese. The national Church would make that claim even if the property in question was purchased by the congregation without any help from the national Church office or the Diocese. From the perspective of the national Church, no parish owns its property free and clear. The purpose of this sentence is to refute that claim.

All other property of the Church in the Episcopal Diocese of Pittsburgh is held by the Board of Trustees for the Episcopal Diocese of Pittsburgh for those exempt religious purposes within the meaning of the Internal Revenue Code of the United States of America. Such exempt religious purposes shall be those determined by the Convention of the Church in the Episcopal Diocese of Pittsburgh and the appropriate officers elected by it.

This provision is similar to the first. The difference is that this provision covers property that is used by the Diocese itself rather than the parish, mission fellowship or diocesan organization. The

provision goes on to affirm that such property will be used for appropriate religious purposes, and it charges the Diocesan Convention and the Diocesan officers with determining what those appropriate uses will be.

No adverse claim to such beneficial interest by the Episcopal Church in the United States of America or any other body is acknowledged, but rather is expressly denied.

This sentence denies any adverse claim that the national Church may choose to make with regard to property held by the Diocesan Board of Trustees.

Resolution Six was contrary to Bishop Duncan's duties to TEC but also his duties as an official of the Diocese since Article I, Section 1 of the Diocesan Constitution then provided that the Diocese "accedes to, recognizes and adopts the Constitution and Canons of the [the Episcopal] Church, and acknowledges its authority accordingly."<sup>2</sup>

The September 2003 Special Diocesan Convention and the Resolutions passed there were only the first step in Bishop Duncan's open defiance of the authority of TEC. In November 2003 and November 2004, he both supported and voted for an Amendment to Article I, Section 1 of the Diocesan Constitution (the "Amendment"), which was passed by both the November 2003 and November 2004 Diocesan Conventions (passage of a constitutional amendment at two Diocesan annual convention was necessary for enactment), and provided:

In cases where the provisions of the Constitution and Canons of the Church in the Diocese of Pittsburgh speak to the contrary, or where resolutions of the Convention of said Diocese have determined the Constitution and Canons of the Protestant Episcopal Church in the United States of America, or resolutions of its General Convention, to be contrary to the historic Faith and Order of the one holy catholic and apostolic church, the local determination shall prevail.<sup>3</sup>

See Exhibit 10A.

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<sup>2</sup> Resolution Six was acknowledged to be withdrawn as part of the Settlement and Court Order in litigation brought by Calvary and St. Stephen's, Wilkinsburg, among others, against Bishop Duncan and others. However, that has not deterred Bishop Duncan's efforts regarding property matters, as set forth below. Bishop Duncan has continued to act consistently with the purpose and intent stated in Resolution Six.

<sup>3</sup> The Amendment asserted local autonomy over non-property matters. The Stipulation resolving the Calvary St. Stephen's litigation made clear Bishop Duncan's position that the Amendment related to local autonomy over ecclesiastical matters.

Lest there be any doubt that obtaining property that rightfully should stay within TEC has been a priority goal of Bishop Duncan – let us discuss the acts which preceded the above-discussed Diocesan Resolution Six and follow the continuing story to the present date. In reviewing the following, we ask the readers to consider whether Bishop Duncan can be relied upon to act as a representative of TEC as the Bishop of Pittsburgh.

A review of events largely drawn from the reported words of the various participants<sup>4</sup> demonstrates that separation from TEC, with property that has been part of TEC, has been a prime objective of Bishop Duncan.

A legally separate organization (the Anglican Communion Network, or “ACN”) was created under the direction of Bishop Duncan, with its own Constitution and form of governance, and which includes as participants persons and entities that are not part of TEC and which has acted contrary to the interests of TEC.

Bishop Duncan, through the Anglican Communion Network, has taken numerous other actions to create his own church, including creation of its own pension plan, its own fundraising arm, and its own Chancellor. (See Exhibits 10B, 10C, 10D and 27.)

Separating from TEC while claiming rights to property properly within TEC appears to have been an objective of the “realignment” movement that spawned first the ACN and now the Common Cause Council of Bishops.

- The Rev. Geoffrey Chapman: “If our efforts fail, I and many others believe that a fundamental line will have been crossed. In that case, I will work in council with your Vestry and others within this diocese, in partnership with many in the Episcopal Church and with our overseas partner Archbishops, to help launch a process of realignment in our Communion that will reaffirm the Biblical faith and mission that have been our passion. Many voices will call for such realignment or more, and I believe that the Holy Spirit has been preparing such a movement across the historic Protestant denominations.” (Geoff Chapman Letter to St. Stephen’s Sewickley [PA] Parish dated June 30, 2003.) Exhibit 11 The Rev. Geoff Chapman: Q: “Do we own our own property?”

A: “We have claimed title to our property repeatedly in recent years, and have found informal affirmation of that claim from our Diocese. If, however, the Diocese were hostile to our faith and values, our property in certain urgent

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<sup>4</sup> A listing of some of the persons and positions may be helpful to the reader:

The Rev. Geoffrey Chapman: Rector of St. Stephen’s Sewickley PA Parish and involved participant in Network

Bishop Robert Duncan: Bishop of Diocese of Pittsburgh; Moderator of Network; Board Member of American Anglican Council; Vice President of American Anglican Council until April 2004. (American Anglican Council Website)

The Rev. Canon David C. Anderson: President and CEO of American Anglican Council (American Anglican Council website)

circumstances could be vulnerable. In view of this, the Special Convention of our Diocese will be asked to consider Resolution #6 next month, which states in part. "Property held by the Board of Trustees of the Church in the Episcopal Diocese of Pittsburgh for the use of a Parish, Mission Fellowship or Diocesan Organization belongs beneficially to such Parish, Mission Fellowship or Diocesan Organization only. No adverse claims to such beneficial interest by any other body, by the Diocese, or by The Episcopal Church in the United States of America is acknowledged, but rather is expressly denied." ("The Crisis in the Episcopal Church: Brief Answers to Important Questions" written by Geoffrey Chapman on August 28, 2003.) Exhibit 12

- Bishop Robert Duncan: "The 74th Convention left us. It left the historic Faith and Order. It left mainstream Anglicanism and the ecumenical consensus of the Christian Church. It left the plain meaning of Holy Scripture. I'm not leaving. Nor are those who vote for these resolutions. Nor is the Episcopal Diocese of Pittsburgh. That is why we are here today. We are the Episcopal Church in Southwestern Pennsylvania and we intend to remain so. We are engaged in the renewal and the realignment of North American Anglicanism and we are here for the long-run to take part in this defining season, this reforming season, for, and within, the Episcopal Church." ("Bishop's Special Convention Address" by Bishop Robert Duncan for September 27th, 2003 Diocese of Pittsburgh's Special Diocesan Convention and published on AAC website, p. 3) Exhibit 13
- Bishop Robert Duncan: "Regardless of the politics of description, the moment of a fundamental re-ordering of relationships within what has been the Episcopal Church and of a fundamental realignment within global Anglicanism has arrived." ("A Report, a Call, and a Teaching for the Leadership" by Bishop Robert Duncan for September 27th, 2003 Diocese of Pittsburgh's Special Diocesan Convention and published on AAC website, p. 10) Reference Exhibit 13
- Bishop Robert Duncan: "This is a defining moment: it is a moment that doesn't allow people to sit on the fence any more. It's tragic but it's necessary..." (*Trinity Magazine*, September 2003, a publication of the Episcopal Diocese of Pittsburgh.) Exhibit 14
- Bishop Robert Duncan: "We are asking the leaders of the church to rule that those who continue to uphold the historic faith represent the legitimate, bona fide expression of Episcopalianism in the United States." ("Episcopal Meeting Tackles Controversy" as published in *Pittsburgh Tribune Review* on October 7, 2003.) Exhibit 15
- Bishop Robert Duncan: "I am convinced the Global South (the region comprising Africa, Asia and Latin America) would largely separate from the Old West. The Archbishop of Canterbury would become little more than the titular head of a moribund and declining British, American, and Australian sect." ("Episcopal Conservatives Discuss Split in Dallas" as published by *Reuters* on October 8, 2003.) Exhibit 16

- Bishop Robert Duncan: "The Archbishop of Canterbury would become little more than the titular head of a moribund and declining British, American, and Australian sect. The dynamic Anglicanism of Africa, Asia and Latin America would realign with a "first among equals" whose see might have a moveable name, including places like Lagos or Nassau or Singapore or Buenos Aires." ("What Would Intervention Look Like?" A Presentation given by Bishop Robert Duncan at the AAC Plano (Dallas) Conference on October 8, 2003.) Exhibit 17
- Bishop Robert Duncan: "[The meetings] are all a glorious part of the 'realignment of North American Anglicanism' of which we so often speak." ("What Would Intervention Look Like?" A Presentation given by Bishop Robert Duncan at the AAC Plano (Dallas) Conference on October 8, 2003.) Reference Exhibit 17
- Bishop Robert Duncan: "The Primates will not approve a second or parallel province-nor should they-but they will see this ecclesiola in ecclesia [referring to Bishop Duncan's contingent] as the Episcopal Church with which they have Communion and common cause, the remnant as an Episcopal Church under judgment...At the end of this month, orthodox U.S. bishops of the American Anglican Council and orthodox Canadian bishops of the Essentials Movement will meet in Toronto to imagine the next steps for the 'replacement province' of which the Primates are already speaking." ("What Would Intervention Look Like?" A Presentation given by Bishop Robert Duncan at the AAC Plano (Dallas) Conference on October 8, 2003.) Reference Exhibit 17
- Bishop Robert Duncan: "'This,' he said, 'is not Anglicanism and this is not Christianity—either Catholic or Reformed—and the primates will say so.'...Duncan also predicted the primates will not approve a new province or national church, but will recognize conservatives and traditionalists as the authentic Episcopal Church." ("Episcopalian lawyers add legal view of split" as published by *Houston Chronicle* on October 8, 2003, p.2) Exhibit 18
- A document labeled, "Mainstream Meeting 11-20-03," (Exhibit 19) appears to be the minutes of a November 2003 meeting of certain Bishops, including Bishop Duncan, who formed the Network. From the designation on the document, it appears that this is Bishop Duncan's copy. At point "f" the minutes indicate "**We commit to the guerrilla warfare of the next year.**" (Emphasis added.) From the document, it appears that the guerrilla warfare was going to be conducted against the Episcopal Church. At point "a" the minutes designated Bishop Duncan as the "Moderator Bishop."
- Robert Devlin (Chancellor of the Diocese of Pittsburgh): "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...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 ECU SA and the Network... This approach to property ownership appears contrary to the position 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...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...the powers have been delegated to the Bishop and Standing Committee of each diocese pursuant to Canon 1.7.3" (Email from Robert Devlin to Bishop Robert Duncan on November 28, 2003 regarding property issues) Exhibit 20

- Hugo Blankingship, Jr.: "John Rees simply won't listen to anything but our staying in ECUSA..." "...don't see much chance that ABC [Archbishop of Canterbury] will recognize the Network at this time. Perhaps that changes if pressure within the Communion builds up." (Email from Hugo Blankingship Jr. to Bishop Robert Duncan on December 9, 2003 regarding meeting with John Rees) Exhibit 21
- Bishop Robert Duncan: "Gradually, as Duncan described it, a 'Network of Confessing Dioceses and Parishes' would emerge in North America, aligned with African and Asian Anglicans—a remnant ecclesiola in ecclesia, a church within a church. The AAC would facilitate the process, providing structures for the new 'replacement province,' which will embrace a variety of breakaway Episcopal churches, ranging from the Reformed Episcopal Church to the Anglican Mission in America (AMiA)." ("Conservatives plan to replace Episcopal Church with their own Anglican province" as published on October 13, 2003 by [www.episcopalchurch.org](http://www.episcopalchurch.org).) Exhibit 22
- Bishop Robert Duncan: "The formation of the Network is an an [sic] historic step forward. The network will provide a way for orthodox Episcopalians to stand together in a new unity to proclaim the Gospel of Jesus Christ and to begin to build a new future for Anglicanism in North America" ("AAC Announces Details of January Meeting of New Episcopal Network of Anglican Dioceses and Congregations" AAC Press Release on December 17, 2003.) Reference Exhibit 23
- In regards to the Network, "The Moderator shall take necessary steps to obtain recognition of the Network from Anglican Primates and Provinces, as well as from other churches with which we have or may have ecumenical contact" ("Memorandum of Agreement on Establishing a Network of Confessing Dioceses and Congregation in the Episcopal Church" as published on [www.AmericanAnglican.org](http://www.AmericanAnglican.org) on December 18, 2003.) Exhibit 24
- The Rev. Geoffrey Chapman: "We believe in the end this should be a 'replacement' jurisdiction with confessional standards, maintaining the historic faith of our Communion, closely aligned with the majority of world Anglicanism..." (Geoffrey Chapman's Letter on Network Strategy dated December 28th, 2003 ultimately obtained by and published in the *Washington Post*.) Exhibit 25
- The Rev. Geoffrey Chapman: "Our ultimate goal is a realignment of Anglicanism on North American soil committed to biblical faith and values, and driven by Gospel

mission.” (Geoffrey Chapman’s Letter on Network Strategy dated December 28, 2003 as confirmed in *Washington Post*.) Exhibit 25

- The Rev. Geoffrey Chapman: “We seek to retain ownership of our property as we move into this realignment....” “Our AEO will maintain confidentiality in the application process, and seek...negotiated property settlements affirming the retention of ownership in the local congregation...” “Stage 1 will enable congregations/clusters to keep clear use of their buildings for the foreseeable future, and would give critical time to strengthen our leadership circles for what promises to be a turbulent spiritual season...” “During this phase [Stage 2], we will seek, under the guidance of the Primates, negotiated settlements in matters of property, jurisdiction...” “If adequate settlements are not within reach, a faithful disobedience of canon law on a widespread basis may be necessary.”

“What legal liabilities would you face if you wanted to leave your current diocese? Recent litigation indicates that the local diocesan authorities hold almost all the cards in property disputes and clergy placement if they want to play ‘hardball’. But we think that the political realities are such that American revisionist bishops will be reticent to play ‘hardball’ for a while.” (Geoffrey Chapman’s Letter on Network Strategy dated December 28th, 2003 as confirmed in the *Washington Post*.)  
Reference Exhibit 25

- **At a meeting of the clergy of the Diocese of Pittsburgh in January 2004, Bishop Duncan not only admitted knowledge of the December 28, 2003 Chapman Letter on Strategy but stated that he had asked Geoffrey Chapman to prepare such a memo. Testimony of a participant in the clergy meeting. See Verification of Rev. Diane Shepard, Exhibit 25A.**
- Bishop Robert Duncan: “We [The Anglican Communion Network]...stand with orthodox allies of the Anglican Diaspora in the States.” “I tell you clearly that the Primate in the United States and the Primate in Canada do not speak for all their people. There are tens of thousands for whom I speak, who are at one with you in Africa, for whom our North American Primates do not speak.” (“Bishop Duncan’s All Africa Anglican Bishops Statement” published October 31, 2004 on [www.American.Anglican.org](http://www.American.Anglican.org). p.2) Exhibit 26
- Bishop Robert Duncan: “Committed to ‘gathering the Anglican diaspora’ from our chartering, I am privileged as Moderator to convene and chair a roundtable which brings together orthodox forces inside the Episcopal Church and the Anglican Church in Canada, as well as significant numbers of those who have moved outside. Included, at this point, in this roundtable are the Network, the AAC, Forward in Faith, the Anglican Mission in America, the Reformed Episcopal Church, the Anglican Province of America, the Network in Canada, the Federation in Canada, and the Anglican Communion in Canada. We are all one river - flowing at this point in different channels - whose source and end are together.” (“Moderator’s Pastoral Letter for All the Churches” to the Anglican Communion Network written by Bishop Robert Duncan on January 28, 2005.) Exhibit 27

- The Rev. Canon David Anderson for AAC: “Once we know the Primates’ official plans regarding recommendations of the Windsor Report 2004, we can proceed with appropriate action and assist individuals and congregations in moving forward. There will be much work before us including canonical, legal, and property issues as well as mobilizing the faithful to proclaim the Gospel and build up our congregations.” (“AAC Prepares for Future with Relocation” Media Advisory given by AAC on January 18, 2005.) Exhibit 28
- Bishop Robert Duncan: “Well, of course we claim to be, constitutionally, the Episcopal Church. And there’s every evidence, both from what the Windsor Report says and what the primates said in accepting it, in their communiqué in Northern Ireland, that we are the Anglicans. If the Episcopal Church’s constitution says that we’ll be constituent members of the Anglican Communion, and the Anglican Communion now says, Episcopal Church, you’re in time out. In fact, you’re not only in time out, but it appears you’re making a decision to walk apart. If in General Convention 2006 the Episcopal Church determines to walk apart, then the question we ask is, who is the Episcopal Church? And our legal basis will be to say, we are, of course, because they have broken the constitution.” (“Bishop Duncan: We’re the Anglicans Here” Interview with Bishop Robert Duncan by The Living Church on April 27, 2005. p.4) Reference Exhibit 29
- Bishop Robert Duncan: **“We are here to warn the people of this nation that there is a counterfeit abroad in the land that looks and sounds like the real thing but has no currency when you try to spend it.”** (“Episcopal Clergy At Capitol Denounce Church on Gay Issue” as published May 14, 2005 on [www.courant.com](http://www.courant.com). p.2) Exhibit 30 (Emphasis added.)
- Bishop Robert Duncan: “oppose the false message of unity for the sake of unity.” (“Episcopal Clergy At Capitol Denounce Church on Gay Issue” as published May 14, 2005 on [www.courant.com](http://www.courant.com). p.2) Reference Exhibit 30.
- Choose This Day Video participated in by Bishop Duncan and supported by Bishop Duncan at the Anglican Communion Network’s Hope and Future Conference called by Bishop Duncan in Pittsburgh in November, 2005. Again, notice the use of the word, **counterfeit** in apparent reference to the position of TEC.
  - Narrator: "Have you ever marveled at a priceless masterpiece. But suppose it wasn't the real thing. What if it were a forgery? On the surface it looks good. Isn't that ok?... What if the masterpiece was switched and replaced by an imitation and nobody told you? That's the issue before us as a church.
  - Rev. Leslie P. Fairchild: "[T]he leadership have embraced a foreign and alien, a pagan religion."
  - Narrator: At General Convention 2003, our masterpiece, God's holy scripture, was deliberately altered when a small group of Episcopal leaders rejected two thousand years of Orthodox Christian tradition, teaching and Biblical authority.

Suddenly 77 million Anglicans worldwide were shown a **counterfeit** and told it was the real thing." (Emphasis added.)

- Bishop Robert Duncan: "The **counterfeit** sounds like. God loves us. God loves you. God loves me. But there's no transformations offered. There's no transportation out of the warfare and the mess of this world into God's kingdom established. Are we going to be trying to spend money that has no currency or are we going to have the real thing?" (Emphasis added.) (Choose This Day DVD 2005) Exhibit 31 This divisive video was also offered (the breadth of which we do not know) by the Anglican Communion Network to parishes in dioceses loyal to TEC. (See Exhibit 32.) The version of the video handed out on disk at the November 2005 Anglican Communion Network Conference in Pittsburgh also included a second video called "The Decision" which offered the experience of two congregations that had left The Episcopal Church.
- At the November 2005 Anglican Communion Network Conference in Pittsburgh, hosted by Bishop Duncan, three deacons and a priest were ordained to serve outside of TEC but within the geographic territory of provinces of TEC. Bishop Duncan was reported as being supportive. November 13, 2005 *Pittsburgh Post-Gazette*. Exhibit 33
- June 28, 2006 announcement by Bishop Duncan and the Standing Committee of the Episcopal Diocese of Pittsburgh to withdraw from the Third Province of the Episcopal Church and to seek ratification of that decision at the Diocese's 141st Annual Convention. (See Exhibit 34.) Such ratification by the Convention was subsequently obtained. Bishop Duncan and the Standing Committee employed the stated goal of seeking the creation of a Tenth Province which would be theologically oriented (in a way contrary to the actions of the last two General Conventions). The June 28, 2006 decision by Bishop Duncan and Standing Committee of the Diocese of Pittsburgh to withdraw from Province Three of TEC, constituted a defiant, unilateral statement of withdrawal from the recognized structure of the Episcopal Church, which was not proper or valid.
- On November 6, 2006 (but not revealed to the public until January 29, 2007), the June 26, and 28, 2006 adoption by the Bishop and Standing Committee of a Resolution calling for "immediate alternative Primatial oversight and pastoral care" was followed up through a more specific request to: "Convene, when the time is right, an organizing ('constitutional') convention for the purpose of approving the infrastructure necessary to the permanent Anglican entity in the U.S., and to choose the domestic leader for, and Anglican Communion representative of, that structure." Exhibit 35.
- Bishop Duncan: September 11, 2007, pre-Convention Report announcing, "the time has come to begin the process of realignment within the Anglican Communion." That report also endorses Constitutional and Canonical changes which eliminate association with TEC. See Section I.A above.

- Bishop Duncan: September 28, 2007, participating in declaration of "first step in the formation of the 'separate ecclesiastical structure' in North America." See Section I.B above.
- November 2-3, 2007, first passage of latest Amendment to Accession Clause of Diocesan Constitution inherently endorsing Bishop Duncan's announced intention to negotiate with other Provinces of the Anglican Communion to accept the Pittsburgh Diocese. Exhibit 4A.

**III. WE BELIEVE BISHOP DUNCAN HAS BEEN ACTING OUTSIDE THE CANONS BY RECOGNIZING CLERGY NOT IN COMMUNION WITH THE EPISCOPAL CHURCH AND ALLOWING THEM TO PERFORM SACRAMENTAL ACTS WITHIN THE EPISCOPAL CHURCH.**

We believe that the provisions of Title IV, Canon 9, Section 1 would classify Bishop Duncan's actions in recognizing within TEC ordained persons from other churches as abandonment of communion.

One example of such recognition is the invitation to a reformed Episcopal Church bishop to substitute for Bishop Duncan at the confirmation service for St. Michael's in the Valley, Ligonier in May 2004, despite Resolution 2003-B2006 at the 2003 General Convention which made clear that the Episcopal Church had not yet recognized Orders of the Reformed Episcopal Church. Canon 1.17.1(c) specifies that Confirmation must be done by "laying on of hands by a Bishop of this Church or by a Bishop of a Church in Communion with this Church. *See* Exhibit 36, article entitled, "Bishop of splinter faction conducts service in Ligonier Episcopal church" Pittsburgh Post Gazette, Tuesday, May 11, 2004. The Reformed Episcopal Church is not found in Canon III.10.2, which defines those churches with which the Episcopal Church is in communion.

Canon III.10.3 sets forth the provisions for receiving clergy from churches in the historic succession, but not in communion. Clergy cannot occupy settled positions in any diocese without subscribing to the declaration committing them to the Constitution and Canons of the Episcopal Church. In 1999, Rodney A. Whitacre was received as a priest into the Reformed Episcopal Church, leaving the Episcopal Church. *See* Exhibit 37, Biographical Statement of Rodney Whitacre. Bishop Duncan has licensed Whitacre to function as a priest within the Episcopal Church. The evidence for licensing may be found in the Pittsburgh Diocese's Diocesan Directory listing of Clergy Under Other Bishops Who Are Licensed in Pittsburgh. *See* Directory, Exhibit 38. Whitacre is listed as a current assisting priest on the staff of Grace Episcopal (Edgeworth) Church. *See* [www.episcopal.org/grace/](http://www.episcopal.org/grace/), the website for Grace Episcopal Church, home page attached as Exhibit 39. This same listing shows another Reformed Episcopal Church priest, also licensed. That priest, Thomas ("Tim") Couch, served as occasional supply at St. Michael's in the Valley, Ligonier, until his death in August 2007. *See* Obituary, Exhibit 40. For evidence that Couch and Whitacre were duly licensed Reformed Episcopal clergy, see the Directory of Clergy that is part of the Minutes of the Proceedings of the One Hundred Twenty-Third Council of the Diocese of the Northeast

and Mid-Atlantic of the Reformed Episcopal Church held at St. Michael's Reformed Episcopal Church, Harrisburg, PA on November 6-7, 2003. *See* Exhibit 41. If they were clergy in good standing in the Reformed Episcopal Church we do not understand how they could have signed the required declaration under TEC Constitution Article VIII.

Similarly, the Anglican Mission in America is another church with which TEC is not in communion. It has not been recognized as a legitimate part of the Anglican Communion and is engaged in setting up missions within the jurisdictions of dioceses in the Episcopal Church. Bishop Duncan has licensed Michael Murphy and John Rodgers to serve as priests in the Diocese. The evidence that Murphy is an AMIA priest is found on the Anglican Relief and Development Fund web page where Murphy serves as a Trustee and in Bishop Duncan's address to the Anglican Communion Network in July 2007, where he identifies Murphy as an AMIA priest who will be serving as Chair of the ARDF Trustees. *See* Exhibit 42. John Rodgers is a missionary bishop in the AMIA and is listed as a missionary bishop, Province of South East Asia, in the 2006-2007 Pittsburgh Diocese clergy directory. Both may be found in the same 2006-2007 Pittsburgh Diocese clergy directory as Couch and Whitacre. *See* Exhibit 38. We do not understand how they could have signed the required declaration under TEC Constitution Article VIII.

**IV. WE BELIEVE BISHOP DUNCAN HAS ASSISTED IN THE VIOLATION OF BOUNDARIES AND THE JURISDICTIONS OF OTHER BISHOPS OF THE EPISCOPAL CHURCH. WE BELIEVE THIS CONTRAVENES ARTICLE II SECTION 3 OF THE CONSTITUTION.**

Carl Eyberg was ordained as a deacon by Bishop Duncan and assigned officially as a missionary of the Diocese of Tennessee. (*See* Exhibit 43.) However, he lives in Springfield, Missouri and has served as deacon to an unaffiliated Anglican Network church plant after ordination. (*See* Exhibit 44.) Bishop Duncan also ordained him priest on December 21, 2004, after he was in Missouri. (Exhibit 43) The evidence for the ordinations is found in the Diocesan Journal of the 2004 Convention, pages 12 and 13. (Exhibit 43) The clergy directory of 2006-2007 shows him as canonically resident in the Diocese of Pittsburgh. (Exhibit 38) *See* the web page of his Springfield congregation identifying him as their rector. (Exhibit 44)

A second example is Bishop Duncan's support of the selection of William Illginfritz as a potential bishop for Forward in Faith. Bishop Duncan committed in his address to the Anglican Communion Network in July 2007 to "find a Provincial ally" to consecrate Illginfritz and "to serve that constituency as a flying bishop." (*See* Exhibit 42) In the same address, he referred to the consecration by the Primates of Uganda, Nigeria, and Kenya of bishops to serve constituencies within the bounds of the Episcopal Church. He referred to it as a "great triumph." *See* Exhibit 42.

A third example is Bishop Duncan's apparent acceptance of the ordination at the Hope and the Future Conference in 2005 of two men by international bishops to serve within the jurisdictions of other Episcopal bishops at congregations affiliated with the international bishops. *See* Exhibit 33.

The following is a fourth example. Bishop Duncan declared to the clergy of the Diocese of Pittsburgh at a meeting in January 2004, that he had transferred to an African diocese one David Brannen, a priest from the Diocese of Pittsburgh (who had started an Anglican Church in the Lexington, Kentucky area after his call to an Episcopal Church in that same vicinity had been found unacceptable). Verification of Rev. Diane Shepard. Exhibit 25A. *See also* Exhibit 43.

## V. CONCLUSION

We ask the readers, in light of the above, to answer whether Robert William Duncan should any longer be entrusted with the interests and affairs of TEC in the Pittsburgh Diocese. Can TEC permit to stay in place as its ostensible representative someone who has the admitted goals and has taken the actions discussed above?