



# THE DIOCESE OF SAN JOAQUIN

THE EPISCOPAL CHURCH - THE CENTRAL THIRD OF CALIFORNIA

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July 17, 2006

*Via Facsimile (803) 799-5119  
and U.S. Mail*

The Right Reverend Dorsey F. Henderson, Jr.  
Title IV Review Committee  
1115 Marion Street  
Columbia SC 29201

Re: **The Right Reverend John-David Schofield  
Bishop of San Joaquin**

Dear Bishop Henderson:

As chancellor of the Diocese of San Joaquin, I write in response to the Title IV accusation against Bishop Schofield which was lodged by Bishops Swing, Lamb, Bruno and Mathes, all of California. The accusation is dated June 29, 2006, and I did not see it until a copy was forwarded to me on July 14 by David Beers, chancellor for the Presiding Bishop. I was the first in the Diocese to receive a copy. Given the serious nature of the accusation and the fact it has apparently been in the hands of the Review Committee for two weeks, I am making a hurried response to point out the obvious flaws in accusation and to offer some factual context.

Boiled down, the complaining bishops seek Bishop Schofield's removal from The Episcopal Church under Canon IV.9 which is meant to safeguard the doctrine and worship of the Church or, in other words, theological and scriptural points of view. However, the complaining bishops have admitted in writing that their dispute with Bishop Schofield has nothing to do with theological or scriptural matters. Instead, the issue with Bishop Schofield concerns litigation strategies the complaining bishops plan on using in

the civil courts when they sue fleeing orthodox parishes over ownership of parish property. On June 22, the complaining bishops demanded Bishop Schofield sign and return documents which the complaining bishops deemed useful for their litigation purposes. The complaining bishops demanded return of these signed documents the next day, or on June 23. When this did not occur, the complaining bishops retaliated and lodged the instant Title IV accusation seeking Bishop Schofield's removal from The Episcopal Church. It is, of course, quite obvious that the application of secular law to parish property interests and the viability of legal arguments and strategies in the civil courts have no conceivable connection to Canon IV.9. You and the Review Committee should not be taken in.

Canon IV.9 provides for an expedited and closed-door deposition process where a bishop has allegedly abandoned the communion of the Church. However, this unique deposition procedure applies in only three situations: (1) where a bishop openly renounces the Doctrine, Discipline or Worship of the Church; (2) where a bishop gains formal admission into a religious body not in communion with the Church; and (3) where a bishop exercises episcopal acts for a religious organization outside the Anglican Communion without proper authorization from the Church. Bishop Schofield has done none of these things. It should be clear to anyone reading the papers that the charges are demonstrably false based on the evidence presented by the complaining bishops. Logically, the accusation should proceed no further. However, if you and the Review Committee intend to seriously entertain this ill-conceived accusation, then I respectfully ask you to consider the following.

First, let me provide you with some factual context which explains the complaining bishops' motives in lodging the accusation. On June 22, 2006, a mere seven days before submitting the June 29 accusation, the complaining bishops wrote Bishop Schofield a letter in which they explained their grievance:

“My point is this: you have let your diocese to take actions that put all Episcopal dioceses in the State of California in jeopardy. I am not talking about interpretation of Scripture or theological points of view. I am specifically talking about your legal language. All Episcopal dioceses in California are questioned by the court system as to whether or not we are a hierarchical church. You have taken unilateral actions that destroy any chance that the rest of the Episcopal dioceses in California could ever argue that we are a hierarchical church. That will create chaos for all of us for all time. [¶] I beg you to take the lead in reversing the actions of your diocese.

No need to apologize; great need to begin now in reversing the situations. This issue of internal governance is crucial, and the moment is volatile.” (Emphasis added.)

It is obvious from the foregoing statement that the complaining bishops’ concerns have nothing to do with the doctrine and worship of The Episcopal Church, but rather have to do with legal arguments they plan on making to the civil courts concerning property disputes with their parishes. The Diocese of Los Angeles and Bishop Bruno are already involved in such litigation and the cases are on appeal. There is no causal connection between their legal problems and any actions of the Diocese of San Joaquin or Bishop Schofield. In any event, the resolution of secular legal issues is a matter not embraced by Canon IV.9 and the instant accusation is inappropriate.

The June 22 letter also demanded a written response and the signing of amended articles of incorporation by the next day, June 23, 2006. Bishop Schofield was in transit from GC 2006 on June 23 and never saw the letter let alone had the opportunity to respond to it before the one-day deadline expired. Further, the legal issues raised in the letter required my input and I was out of the country through June 29. I am at a loss to understand why the complaining bishops felt this matter was of such extreme urgency that a sensible dialogue could not be undertaken. A copy of the June 22 letter is attached.

Without any further notice, the complaining bishops lodged their Title IV accusation five days later in which they advance three reasons for deposition under Canon IV.9: (1) the accession language contained in the constitution of the Diocese of San Joaquin; (2) an amendment to the articles of incorporation of the Diocese’s corporation sole; and (3) a resolution to seek continued recognition of the Diocese of San Joaquin as a member of the Anglican Communion. I will comment on each assertion in order.

The accession language contained in the diocesan constitution was enacted by the Diocese of San Joaquin at its 2005 Convention. This was an action taken by the Diocese as a California unincorporated association; a legal entity separate and apart from Bishop Schofield. Canon IV.9 simply does not apply to the actions of a diocese and it is the actions of the Diocese which are the subject of the accusation. Further, even assuming the lawful action of the Diocese is somehow imputed to Bishop Schofield, there is no explanation how the accession language of the Diocese of San Joaquin is in conflict with any doctrine, teaching or worship of the Church. The subject accession clause was adopted by the Diocese of San Joaquin in response to the actions of GC 2003 and reserves the right of the Diocese to disagree with the Church. How is this a problem? Given that 22 of 38 provinces of the Anglican Communion have publically denounced the actions of GC 2003, the response of the Diocese of San Joaquin is quite moderate and certainly understandable.

Next, the complaining bishops take issue with an amendment to the articles of incorporation of corporation sole. Corporation sole is completely secular in nature and therefore completely irrelevant to Canon IV.9. The complaining bishops are either mixed up on this point or they are not receiving appropriate legal advice, or both. Let me briefly explain. The Diocese of San Joaquin is a California unincorporated association. The California Corporations Code authorizes the creation of a corporation sole for the purpose of protecting and preserving the property of the unincorporated religious association; here, the Diocese of San Joaquin. The amendment has to do with the succession of the chief officer of corporation sole. The amendment does not in any way change the constitution and canons of the Diocese of San Joaquin which provide for the election of a bishop. Even assuming there was some error in the language of the corporation sole amendment, it has no impact on the diocesan constitution and canons. Moreover, I believe the current amendment to corporation sole is consistent with the Diocese's constitution and canons so I fail completely to see the point, let alone how this translates into an abandonment of the worship of the Church.

Finally, the complaining bishops assert there has been an abandonment of the communion of The Episcopal Church because of the April 8, 2006, resolution which seeks continued and separate recognition of the Diocese as a member of the Anglican Communion. This is a silly assertion. The Episcopal Church is a member of the world-wide Anglican Communion and so states in its constitutional preamble. The Diocese of San Joaquin is also part of the world-wide Anglican Communion and desires to remain so in the future. Unfortunately, the actions of GC 2003 and 2006 create a significant risk that The Episcopal Church will be removed from of the Anglican Communion. The subject resolution is meant to preserve the right to worship in the Anglican Faith and not to abandon it.

The relevant portion of Canon IV.9 only proscribes admission into a religious body which is not in communion with The Episcopal Church. Here, only recognition is sought by the Diocese and Bishop Schofield and all of the contacts are with members of the Anglican Communion. There is nothing in the constitution or canons of The Episcopal Church which discourage, let alone prohibit, developing relationships with or seeking recognition from other members of the Anglican Communion. Indeed, there is a program of the Anglican Communion that encourages partnerships between dioceses of one province and those of another province. At the present time, the Diocese of San Joaquin does not have such a partnership diocese. Canon IV.9 would only be relevant to the April 8 resolution if The Episcopal Church was not a member of the Anglican Communion.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Russell G. VanRozeboom". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Russell G. VanRozeboom  
Chancellor of The Diocese of San Joaquin

Enclosure

cc: The Rt. Rev. John-David Schofield  
Standing Committee  
Kevin D. Gunner, Chancellor  
David Booth Beers, Esq.

# The Episcopal Diocese of California

1155 Taylor Street  
San Francisco, CA 94108

The Rt. Rev. William E. Swing  
Bishop of California  
Tel. (415) 673-0606  
Fax. (415) 673-1510

June 22, 2006

Via Email and Facsimile

The Right Reverend John-David Schofield  
Episcopal Diocese of San Joaquin  
4159 E. Dakota Avenue  
Fresno, CA 93726  
Email: +john-david@sjoaquin.net  
Facsimile: (559) 244-4832

Dear David,

Greetings in the Name of our Lord Jesus Christ!

It was good that the two old rectors of St. Columba's Episcopal Churches had a chance to talk.

My point is this: you have led your diocese to take actions that put all Episcopal dioceses in the State of California in jeopardy. I am not talking about interpretation of Scripture or theological points of view. I am specifically talking about your legal language. All Episcopal dioceses in California are questioned by the court system as to whether or not we are a hierarchical church. You have taken unilateral actions that destroy any chance that the rest of the Episcopal dioceses in California could ever argue that we are a hierarchical church. That will create chaos for all of us for all time.

I beg you to take the lead in reversing the actions of your diocese. No need to apologize; great need to begin now in reversing the situations. This issue of internal governance is crucial, and the moment is volatile.

Two issues are involved, and they require your immediate attention. First, the Diocese of San Joaquin, in March of this year, purported to amend its articles of incorporation as they pertain to the means of selecting the chief officer of the corporation sole, that is, the bishop of the diocese. As so amended, the articles now would permit the diocese to elect a bishop not chosen in accordance with Article II, Section 2, of the Constitution of ECUSA.

The Right Reverend John-David Schofield

June 22, 2006

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Second, the Diocese of San Joaquin has purported to amend the accession clause of its constitution so that, as amended, the clause provides that if the constitutions of the diocese and of ECUSA should be in conflict, the diocesan constitution would have precedence over the Constitution of ECUSA. This, also, is directly contrary to the Constitution of ECUSA - Article V, Section 1 - and therefore must be corrected at the earliest possible time, so that the diocesan constitution will remain in accord with the long-standing practice and polity of the Episcopal Church that it has maintained since its establishment in 1789.

In order to resolve these concerns, I hereby request, for myself and on behalf of the other bishops in California who are deeply distressed by these circumstances, two things of you. First, enclosed herewith are papers for your execution that, upon execution and filing with the Secretary of State of California, will restore the articles of incorporation of the Diocese of San Joaquin to conformity with the Constitution and Canons of ECUSA, and clear up any confusion that might have resulted from the diocese's efforts in March.

Second, it is essential that we receive written assurance from you that you will promptly initiate all necessary and appropriate legislative processes and other actions to ensure that the accession clause of the diocesan constitution is in conformity with Article V, Section 1, of the Constitution of ECUSA.

It is of the utmost importance that these matters be attended to at the earliest possible time. Accordingly, please signify your solemn commitment to do so, as requested above, by signing the undertaking that appears below, and transmitting it to me via facsimile, at (415) 673-1510 no later than noon, Friday, June 23, 2006.

David, I stood up to the General Convention many years ago to vouchsafe on your behalf. I said that you would be faithful to the Episcopal Church. At this critical moment, I hope that you will.

Faithfully in Christ,



The Rt. Rev. William E. Swing  
Bishop of the Episcopal Diocese of California

The Right Reverend John-David Schofield

June 22, 2006

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I, the Rt. Rev. John-David Schofield, Bishop of the Episcopal Diocese of San Joaquin, assent to and agree to take the following actions: (a) to execute, and cause to be filed, the enclosed amendment to the articles of incorporation for the diocesan corporate sole; and (b) to commence the necessary legislative processes to ensure that the accession clause contained in Article II of the Diocesan Constitution is in accord with Article V, Section 1, of ECUSA's Constitution.

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The Rt. Rev. John-David Schofield

Bishop of the Episcopal Diocese of San Joaquin

AMENDMENT TO ARTICLES  
 OF  
 INCORPORATION  
 OF THE  
**PROTESTANT EPISCOPAL BISHOP  
 OF SAN JOAQUIN**  
 (A Corporation Sole)

TO ALL WHOM THESE PRESENTS SHALL COME OR MAY CONCERN, I, THE RT. REV. JOHN-DAVID SCHOFIELD, ALSO KNOWN AS DAVID M. SCHOFIELD, BISHOP OF THE DIOCESE OF SAN JOAQUIN IN THAT BRANCH OF THE HOLY CATHOLIC CHURCH NOW KNOWN AS THE EPISCOPAL CHURCH, SEND GREETING.

WHEREAS, I have been elected Bishop of the Diocese of San Joaquin at the special meeting of the convention of the Diocese of San Joaquin, duly called and held in accordance with the constitution and canons of the Episcopal Church and of the Diocese of San Joaquin, held in Visalia, Tulare County, California, on April 10, 1988, and have been duly and regularly ordained and consecrated a bishop in the Holy Apostolic Church of God on October 9, 1988, in Fresno, California, thereupon assuming and becoming the incumbent Chief Officer of the corporation sole;

NOW, THEREFORE, by the power vested in me and pursuant to California Corporation Code Section 10010, I do hereby amend the Articles of Incorporation as follows:

That certain Amendment to Articles of Incorporation of the Protestant Episcopal Bishop of San Joaquin executed on March 15, 2006, and filed in the Office of the California Secretary of State on March 21, 2006, is hereby repealed and deleted in its entirety.



VERIFICATION

I, John-David Schofield, also known as David M. Schofield declare:

I am the duly elected, consecrated and acting Bishop of San Joaquin and Chief Officer of The Protestant Episcopal Bishop of San Joaquin, A Corporation Sole; that I have been duly authorized by the Diocese of San Joaquin to amend the Articles of Incorporation of said Corporation Sole as aforesaid; that I have read and signed the foregoing Amendment of Articles of Incorporation and that it is true and correct.

THE RT. REV. JOHN-DAVID SCHOFIELD, BISHOP

State of California  
County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_,

Personally appeared \_\_\_\_\_

Personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)