

July 1, 2012

The Rt. Rev'd F. Clayton Matthews
The Episcopal Church Intake Officer
2857 Trent Road
New Bern, NC 28562

Dear Clay,

On June 30th, I received an email copy of your letter (dated June 29, 2012) informing me that you have received a "complaint" against me and six other bishops of The Episcopal Church for our "*action in filing of Amicus Curiae Brief in the pending appeal in the Supreme Court of Texas in opposition to The Episcopal Diocese of Fort Worth and The Episcopal Church.*"

I understand that as the Intake Officer of The Episcopal Church, you have a responsibility to investigate the "complaint" in accordance with Title IV Canon 6 Sec. 3 & 4. May the Lord guide and lead you as you carry out your duties.

In anticipation that you will be asking each of the named bishops about our participation in the filing of the Amicus Curiae Brief, and that this will probably be a topic of conversation among the bishops at General Convention, I would like to share with you my understanding of what I was doing and why I chose to allow my name to be added to the Amicus Curiae Brief.

On Sunday, April 22, 2012, I received an email from one of the signatories of the document, asking if I would consider allowing my name to be attached to the Amicus Brief. The email stated, "*You will note it is NOT supporting Fort Worth or Jack Iker, but rather, addressing polity issues of TEC.*"

On page iv of the Brief under the title "Statement of Interest," the document states the following:

"The amici remain in The Episcopal Church and submit this brief solely because they disagree with the characterization of the governance of The Episcopal Church as submitted in support of the motion for summary judgment that the trial court granted in this case. The amici oppose the decision by the Appellants ("Diocese of Fort Worth") to leave The Episcopal Church, but in its ruling against them the court has misunderstood, and thereby damaged, the constitutional structure of The Episcopal Church."

On page 1 of the Brief under the title “Summary of Argument,” the document goes on to say:

“The amici curiae support the traditional polity of The Episcopal Church founded on the autonomy of its constituent dioceses and therefore submit that the trial court erred both as a matter of fact and as a matter of law when it found that The Episcopal Church has a hierarchical authority superior to the diocese and its bishop.”

I am very aware that there is great confusion and an ongoing debate within the Church (among well meaning people on both sides of the debate) as to the true polity of The Episcopal Church.

A few years ago, I was one of 15 bishops of The Episcopal Church that signed a document entitled **Bishops’ Statement On The Polity Of The Episcopal Church**. I believe it is a well researched and reasoned statement, consistent with the Constitution of The Episcopal Church, which supports and upholds the polity of the Church as outlined in the “Summary Argument” of the Amicus Curiae Brief.

While I understand that there are many in the Episcopal Church that believe or have simply come to accept (based on what others have said) that it is a hierarchical church at all levels, I do not believe that the Constitution of The Episcopal Church nor the historic governance of the Church supports the argument for the hierarchical structure.

If left unchallenged, and just blindly accepted, I believe that future decisions of the Church and the carrying out of those decisions could very easily be in violation of the Constitution of The Episcopal Church and therefore unlawful.

We live at a time in the history of the Church, where the centralization of governance and power is on a steep rise, eliminating many of the past checks and balances and safety nets as witnessed in the recent changes to the Church’s health care system, Title IV and the unprecedented power and authority that has now been given to the Presiding Bishop’s Office.

As a minority voice within the House of Bishops and The Episcopal Church at large, I am very concerned about these and future changes and the manner in which they may be implemented.

It was for these reasons and my most sincere belief that the polity of The Episcopal Church has been improperly portrayed in some of the recent and ongoing court cases that I decided to sign the Amicus Curiae Brief.

The Rev’d Dr. Martin Luther King once said, *“There comes a time when silence is betrayal.”* I believe that for me and the other bishops not to speak out and challenge the court’s portrayal of the polity of The Episcopal Church, when we truly believed it to be inaccurate and therefore potentially damaging to the wider Church, we would

have betrayed the Constitution of The Episcopal Church and those we have been entrusted to serve.

I have no interest or desire to become involved or interfere in the internal or legal affairs of Fort Worth or any other diocese outside of Albany. Unfortunately, the polity issue is very much entangled in the Fort Worth lawsuit.

Because of the importance of case precedent set by prior court rulings in deciding current and future cases that may come before the courts as well as the governance of the Church, I felt it was important to go on record challenging the court's understanding of the polity of the Church as presented in the Fort Worth Case. The ultimate judgment in that case, particularly in regard to the polity issue, will not only impact Fort Worth, but has the potential of impacting every diocese in the Church, to include the Diocese of Albany in ways that are still yet to be seen.

As a lifelong Episcopalian and Bishop in the Church, it grieves me terribly to see all the conflict and woundedness amongst fellow brothers and sisters in Christ within the Church. I deeply regret any pain or hurt the issuance of the Amicus Curiae Brief may have caused. I consider Bishop Wallis Ohl a friend and respect him as a fellow bishop. It is always very hard when faced with having to take an opposing view with those you care for. While I believe it was important to sign the Brief, out of respect for Bishop Ohl and the people of Fort Worth, I should have contacted Bishop Ohl and the Standing Committee of Fort Worth to explain what I was doing and why. For that I apologize and am very sorry.

In closing, while some may have seen my signing of the Amicus Curiae Brief, as an attack on the Continuing Diocese of Fort Worth and The Episcopal Church, I can assure you that was never my intent. While I don't and can't agree with all the views expressed by some of my fellow bishops and brothers and sisters in Christ regarding some of the various theological and political issues facing the Church, I am both honored and humbled to serve our Lord and His Church as the Bishop of Albany in The Episcopal Church and member of the Anglican Communion.

Faithfully Yours in Christ,

Bishop of Albany