

## PEP Argument Briefing Paper

**Title:** Amendment Removes Us from the Church  
**Applicable to:** Proposed Constitutional Amendment: Article I, Section 1  
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### Summary

Alteration of Article I, Section 1, or any attempt to do so, would mean that the diocese no longer qualifies as a diocese of the Episcopal Church, USA.

### Argument

- The ECUSA constitution requires an “unqualified submission” to its canons be included in the constitution and canons of every new diocese. There is no provision for later deciding otherwise.
- The ECUSA constitution reserves to General Convention the right to set up a court of appeal that shall have final say on all matters of Doctrine, Faith, or Worship. The proposed amendment tries to take control of a topic already reserved to the national church. Doing so is a declaration that the diocese is acting outside of the constitution of the church.
- Passing this amendment would mean that the diocese no longer meets the qualifications to be a diocese. It is a de facto declaration that the diocese has left the ECUSA, which it cannot do. Passage of this amendment would thus provide strong grounds for claiming that the Diocese of Pittsburgh is schismatic, having initiated a break with the ECUSA. It would also declare that those in support of the amendment no longer legitimately represent the Diocese of Pittsburgh.
- For a bishop or other cleric to make, advocate or intend such a break could be construed as a violation of his or her ordination vows.
- This Diocese was created by General Convention as a geographical division of the whole church. Such a subsidiary unit cannot reasonably overrule, or separate itself from, the body that gives it its legal standing and existence. Just as a state law cannot overturn a federal one, a diocesan canon cannot overturn a national canon. There should be no expectation that the amendment can do anything to change the relationship of the diocese to the ECUSA. Why would we even have a national constitution and canons if individual dioceses could pass conflicting resolutions at will?
- [Information only—use only if necessary] The Diocese of Fort Worth amended its constitution in a similar way in 1997. There have been no consequences to the diocese, presumably because the provision to ignore General Convention has [arguably] never been acted upon.

### Supporting Information

*From page C1 of the materials provided to deputies to the 2003 Annual Convention:*

**PROPOSED CONSTITUTIONAL AMENDMENT: Article I, Section 1**

Resolved, by this 138<sup>th</sup> Annual Convention of the Episcopal Diocese of Pittsburgh, that a second sentence be added to Article 1 [*sic*], Section 1 of the Constitution:

*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.*

*From the ECUSA Constitution (Article V, Section 1):*

A new Diocese may be formed, with the consent of the General Convention and under such conditions as the General Convention shall prescribe by General Canon or Canons, (1) by the division of an existing Diocese; (2) by the junction of two or more Dioceses or of parts of two or more Dioceses; or (3) by the erection into a Diocese of an unorganized area evangelized as provided in Article VI. The proceedings shall originate in a Convocation of the Clergy and Laity of the unorganized area called by the Bishop for that purpose; or, with the approval of the Bishop, in the Convention of the Diocese to be divided; or (when it is proposed to form a new Diocese by the junction of two or more existing Dioceses or of parts of two or more Dioceses) by mutual agreement of the Conventions of the Dioceses concerned, with the approval of the Bishop of each Diocese. In case the Episcopate of a Diocese be vacant, no proceedings toward its division shall be taken until the vacancy is filled. After consent of the General Convention, when a certified copy of the duly adopted Constitution of the new Diocese, including an unqualified accession to the Constitution and Canons of this Church, shall have been filed with the Secretary of the General Convention and approved by the Executive Council of this Church, such new Diocese shall thereupon be in union with the General Convention.