

November 27, 2012

To the Bishops of the Episcopal Church:

Dear Brothers and Sisters in Christ,

This is a painful letter. It is painful because it concerns un-canonical (and perhaps even unlawful) actions on the part of our Presiding Bishop and her associates. These actions, detailed in the attached appendix and summarized in the bullet points below, have already undermined the good order and spiritual health of our church. We write to you our Bishops because of your responsibility for that good order. We write as Presbyters who have in one way or another faithfully served our church for over half a century. We pray that, despite the painful nature of the story we place before you, you will listen to what we have to say with a clear and open mind.

We urge you, therefore, to take careful note of the following points that are more fully spelled out in our appendix. We urge you further to take the necessary steps to restore the good order of our church.

- Three years ago, the Presiding Bishop began an extraordinary and unconstitutional intervention in the internal affairs of the Diocese of South Carolina. She hired a South Carolina lawyer, Thomas Tisdale, who held himself out as “South Carolina counsel for The Episcopal Church” and appeared to be gathering evidence for a disciplinary case against Bishop Lawrence. That is not our judgment in hindsight; it was Bishop Lawrence’s understanding at the time: “the Presiding Bishop's Chancellor, if not the Presiding Bishop herself, is seeking to build a case against the Ecclesiastical Authorities of the Diocese.”
- Mr. Tisdale indicated he intended to scrutinize the internal administration of the Diocese on an ongoing basis for the Presiding Bishop, including reviewing recent ordinations, the actions of the Standing Committee, convention resolutions and especially the property arrangements of the Diocese’s parishes.
- The Presiding Bishop advised the Executive Council at the outset of Mr. Tisdale’s activities in the Diocese that she had hired him so that those who wish “to stay Episcopalians there have some representation on behalf of the larger church.” She thereby lent her office and legal counsel to the small number of internal dissenters, numbering no more than 10-15%, who opposed Bishop Lawrence and the Diocese. This group subsequently made four or possibly five presentations to various bodies within TEC seeking to have Bishop Lawrence investigated for abandonment and action taken against the Diocese. Their fifth attempt was successful, but only at the cost of the entire Diocese.
- The dissenters seeking to remove Bishop Lawrence communicated several times with church bodies, mostly through a lawyer who is a fellow parishioner of Mr. Tisdale’s and is

a legal advisor with him to the interim steering committee he organized at the Presiding Bishop's request.

- The actions of church bodies over the last three years have been disgraceful and at times farcical. At the dissenters' request, a standing committee of the Executive Council considered canons passed by the Diocese and opined that they were null and void without ever informing the Diocese they were considering the issue. The Council immediately informed the lawyer for the dissenters of this action, but did not communicate it to the Diocese until asked to do so much later by the lawyer. The Church Center then clumsily added "cc's" in a different type font and mailed the Diocese a letter that had been sent two and a half months earlier to the lawyer. This suggests the purpose of the Executive Council's actions was not the orderly administration of the church's affairs but assisting the dissenters in making their legal case against Bishop Lawrence.
- Mr. Tisdale was apparently asked by the Presiding Bishop "a few months ago" to form a "transition group" before the Disciplinary Board had even acted and before Bishop Lawrence was even aware that it was once again reviewing abandonment charges against him. This committee had been largely formed and was waiting to be announced when the abandonment certification was made public. The initial announcements of the interim structure were made immediately: "an Interim Bishop will be appointed by the Presiding Bishop"; "a transition team has been put in place by the Presiding Bishop." There is also evidence that some steps were taken to plan for civil litigation during the period before the Disciplinary Board had even acted.
- Bishop Lawrence first learned of the most recent abandonment proceeding on October 15, when the Presiding Bishop informed him that he had been certified and would be restricted. Later that day the diocesan chancellor received by email unsigned copies of the certification and restriction. To this day, Bishop Lawrence has never been served with notice as required by TEC's canons of either document. Accordingly, the 60 day period under the abandonment canon has not yet begun and if the canons were being followed no restriction may ever have been in effect—although on this point the relationship between the abandonment canon and the broader Title IV of which it is a part is one the church does not seem to comprehend.
- Although TEC takes the position that the Diocese has not withdrawn, its representatives nonetheless claim that there is no ecclesiastical authority in the TEC diocese. But Bishop Lawrence has not been removed as bishop by TEC and the resignation or removal of directors of South Carolina corporations (the Standing Committee's legal role) requires that specific procedures provided in the state statute or corporate bylaws be followed. None has been. When the TEC faction held a "clergy day" on November 15, the presentation was made by Mr. Tisdale, the Presiding Bishop's lawyer. He referred questions about remarriage and licensing to Bishop vonRosenberg, but these are matters for the diocesan bishop. Although they are trying to skirt the canons formally, the reality

is that the Presiding Bishop, through her lawyer and the committee he organized, is now running a TEC diocese in South Carolina without any canonical authorization.

- Bishop Lawrence's pastoral response to a very challenging legal environment in South Carolina kept the Diocese "intact and in TEC." Only a single parish withdrew from the Diocese until the Disciplinary Board for Bishops certified that Bishop Lawrence's pastoral actions constituted abandonment of the church. That indefensible decision caused the entire Diocese to withdraw along with the overwhelming majority of the parishes.

What should we make of these facts?

We disagree with those among you who think the Presiding Bishop and her agents have done no wrong. As our Appendix demonstrates, the evidence is overwhelming that they have violated canons and engaged in discussions deceitfully. We disagree with those who accept the evidence, but think the matter inconsequential. If our leaders will not follow the canons and formal procedures of the church, not only in letter but in spirit, they forfeit any trust they may hold and undermine the mutual trust of the church as a whole. We disagree with those who think that such disregard of letter and spirit is merited by the misbehaviour of Bishop Lawrence. Canonical violation and deceit will never produce peace in the church or render a just outcome. Further, the diocese of South Carolina has, for a long time, struggled to maintain its unity as a conservative Christian body and to remain within The Episcopal Church. Bp. Lawrence was given a tightrope to walk from the moment of his election and did so successfully and honestly. He did not jump from this difficult position but was intentionally pushed by the Presiding Bishop and the Disciplinary Board in ways that were neither necessary nor responsible. We disagree with those who believe that, in any case, all this is of little importance for the future of The Episcopal Church. The departure from The Episcopal Church, under moral duress, by one of our strongest and few growing dioceses, taking with it a range of energies and vital witness, threatens to subvert the hopes and good will of thousands of faithful members of our church and discourage the willingness of younger leaders to come forward in our midst. Indeed, all this constitutes a crisis for The Episcopal Church of the gravest kind.

For those among you who, by contrast, have taken stock of the actions of the Presiding Bishop and her agents, we believe that you are obligated by solemn vow to respond forthrightly that they have violated canons and engaged in discussions deceitfully. We believe that you are called upon to pursue all canonical and spiritual means to bring these matters into the light before your college and the church at large. Your vows require you to rectify misdeeds that have been committed. You are called upon to rein in the misuse of authority and canons by those, like the Presiding Bishop and her legal staff, who have supervised the squandering of our human and material resources. We urge you as agents of reconciliation to do all in your power to rebuild the bridges of genuine Christian understanding and communion with both those who have left The Episcopal Church and those drifting in that direction. We urge you, in short, to be faithful to your calling and to be true and not false pastors of the people and the Gospel God has entrusted

to your stewardship. The Lord does not ask that you succeed in your efforts, only that you stand as a sentinel before the people themselves.

Yours in Christ,

The Rev. Prof. Christopher Seitz

The Rev. Dr. Philip Turner

The Rev. Dr. Ephraim Radner

## **Appendix: A Comprehensive Assault on a Diocese**

### **September 18, 2009**

The South Carolina Supreme Court handed down a decision in a lawsuit brought by the Diocese of South Carolina against a departing parish on Pawleys Island. In that case TEC and the Diocese were aligned on the same side against the departing parish. The Court ruled against both the Diocese and TEC, stating “we hold that neither the [diocesan assertion of a trust interest] nor the Dennis Canon has any legal effect.” Under the Court’s decision, the parish was permitted to withdraw from the Diocese and TEC and keep its property.

### **October 24, 2009**

A special convention of the Diocese voted to distance the Diocese from resolutions passed at the 2009 General Convention allowing bishops to provide “a generous pastoral response” to those seeking same sex blessings and permitting noncelibate homosexuals to be ordained as bishops, two matters on which the Anglican Communion had placed moratoria. Notwithstanding the resolutions passed at the special convention, Bishop Lawrence continued to participate in the House of Bishops and the Diocese participated in the 2012 General Convention. ENS quoted one of the pro-TEC activists who later would join others in asking the Presiding Bishop and the Executive Council to investigate Bishop Lawrence for abandonment as saying that Bishop Lawrence “went out of his way several times to say repeatedly that he saw the convention as a protest against General Convention and not about leaving the Episcopal Church.”

### **Late 2009**

The Presiding Bishop through her chancellor retained an attorney, Thomas Tisdale, to represent the Presiding Bishop in the Diocese of South Carolina. He held himself out “as South Carolina counsel for The Episcopal Church.” Some clergy of the Diocese loyal to Bishop Lawrence were under the impression that Mr. Tisdale represented the Diocese and gave him information on that basis.

### **January 2010**

Acting “as South Carolina counsel for The Episcopal Church,” Mr. Tisdale sent nine letters to the Diocese of South Carolina requesting voluminous information and documents from the Diocese and its parishes, including all standing committee minutes since the end of the episcopacy of Bishop Salmon, documentation concerning the 2009 and 2010 diocesan conventions, documentation concerning all recent ordinations, copies

of all parish bylaw amendments since 2006 or which the diocese “learns about in the future,” and documents concerning the history, diocesan participation, property and mortgages of four parishes that Mr. Tisdale believed were considering leaving the Diocese. All but one of these parishes remained in the Diocese until Bishop Lawrence was certified for abandonment in late 2012. Mr. Tisdale’s correspondence indicated that he was focused on challenging decisions by Bishop Lawrence and that he viewed his role as one of ongoing review of the internal affairs of the Diocese and its parishes.

## **February 2010**

Mr. Tisdale’s intervention caused Bishop Lawrence to conclude that the presiding bishop’s office was preparing a case against him. On February 9, 2010 he wrote to the Diocese that “perhaps the Presiding Bishop's Chancellor, if not the Presiding Bishop herself, is seeking to build a case against the Ecclesiastical Authorities of the Diocese (Bishop and Standing Committee) and some of our parishes.”

Ten days later on February 19, the Presiding Bishop acknowledged to the Executive Council that she had hired Mr. Tisdale and explained that he represented at her behest those in the Diocese who “want to stay Episcopalians”: “I think it's important that people who want to stay Episcopalians there have some representation on behalf of the larger church.” The faction opposed to Bishop Lawrence and the Diocese constituted no more than 10-15% but would shortly submit four, possibly five, requests to various church bodies seeking to have Bishop Lawrence investigated for abandonment and action taken against the Diocese.

## **March 2010**

The Diocese sent a certified letter to the Presiding Bishop protesting her interference in the internal affairs of the Diocese. It was never answered.

The Diocese adjourned its convention to a later date, subsequently called for October, to monitor the interventions by the Presiding Bishop and her lawyers.

## **August/September 2010**

On August 24 and again on September 22, 2010, the directors of the Episcopal Forum of South Carolina, a group that describes its mission as “primarily to promote The Episcopal Church, its vision and polity, within the Diocese,” wrote to the Executive Council and the House of Bishops to request that “Episcopal Church leadership” “investigate” allegations of “abandonment” by Bishop Lawrence that they attached to their letter. The attached

allegations included matters previously raised by Mr. Tisdale on behalf of the Presiding Bishop's office. This was the first of four, perhaps five, known efforts over the next two years by various members of this group to seek to have Bishop Lawrence investigated for abandonment and action taken against the Diocese. The allegations attached to this first request were subsequently included, verbatim at points, in an "Addendum" of allegations submitted to the Executive Council in May 2011 and then filed with the Disciplinary Board for Bishops later in 2011 in the first of two abandonment proceedings against Bishop Lawrence considered by the Disciplinary Board under the new Title IV. This information was apparently also submitted to the Title IV Review Committee prior to July 2011 for consideration under the old Title IV.

Among the directors on whose behalf this letter was sent was Melinda Lucka, a lawyer who would later submit at least two and likely all of the subsequent requests for abandonment proceedings on behalf of various individuals opposed to Bishop Lawrence. She and Mr. Tisdale were parishioners at the same progressive pro-TEC parish and they would later become the two legal advisors to the interim "Steering Committee" organized in advance by Mr. Tisdale under the auspices of the Presiding Bishop to replace the Diocese's leadership if needed.

### **October 15, 2010**

The reconvened Diocesan convention passed a number of resolutions to protect the Diocese from these interventions and attacks on Bishop Lawrence. The convention's resolutions: declined to adopt the new Title IV which purports to give the Presiding Bishop metropolitan authority, effective July 1, 2011, that many believe to be contrary to TEC's constitution; maintained the previous Title IV canons, which were still in effect at that time; amended the Diocese's corporate charter to replace the reference to TEC with one to the Diocese; passed a first reading of an amendment to the Diocese's constitution to remove the recital concerning the Diocese's accession to TEC's canons in light of its Title IV position; and made other supplemental changes to the Diocese's canons to implement the above. As amended on its second reading in March 2011, the Diocese's accession clause was similar to that of fifteen other dioceses that accede only to the TEC constitution and surpassed those of seven dioceses that have no accession clause whatsoever. Bishop Lawrence and others made clear on the floor of the convention that the Diocese was not leaving TEC by these actions, and the Diocese thereafter continued to participate in the life of the church. The steps taken at this convention, however, would form the basis for the three abandonment proceedings undertaken first by the Title IV Review Committee and then by its successor, the Disciplinary Board for Bishops.

## **October 25, 2010**

Canon Gregory Straub replied to the Forum's August 24, 2010 letter on behalf of the Executive Council that: "the Presiding Bishop's office is invested in responding in all the ways that are canonically and pastorally possible to the concerns you and others have raised"; "the realities of our church polity mean that there are canonical limits to how her office and the Executive Council can intervene"; "there are, however, other formal and informal ways in which the diocese is connected to the wider church"; and "we are aware that the Forum is making good use of some of these informal connections already." It is unclear what "informal connections" Canon Straub was "aware of" and referencing in the context of a request for an abandonment investigation.

## **April/May 2011**

In April and May 2011 the allegations of abandonment that would later be filed as an "Addendum" with the Disciplinary Board appear to have been put in final form. The footers to the attachments show they were printed out during this period: none is dated after May 1, 2011. The Addendum does not refer to events after May 2011, including the action taken by the Executive Council in June 2011 (described below).

## **May 25, 2011**

Ms. Lucka wrote to the Presiding Bishop, Bonnie Anderson and Canon Straub (as officers of the Executive Council) "on behalf of" five additional signatories consisting of the chair and four other directors and members of the Forum. This letter asked the Executive Council to nullify several of the resolutions passed at the 2010 and 2011 conventions of the Diocese. In support of this request, the letter accused the diocese of "disloyalty to and disassociation with" TEC and taking actions in violation of TEC's Constitution. It also alleged that "the Diocese and its leadership" had rejected "any meaningful effort to uphold the...polity of The Episcopal Church." Attached to the letter was a sixteen page "Addendum" of diocesan resolutions that is identical to Tab One of the "Addendum" of abandonment evidence that was subsequently considered by the Disciplinary Board later in 2011.

## **June 16, 2011**

The Executive Council's Joint Standing Committee on Governance & Administration "spent considerable time taking up the concerns raised" in Ms. Lucka's May 25 letter at a regular meeting of the Executive Council. They did this without informing the Diocese of these charges or giving it an opportunity to be heard. The Joint Standing Committee "agreed" that a 2007 Executive Council resolution declaring certain actions of other dioceses (Pittsburgh, Fort Worth, Quincy and San Joaquin) "null and void" also "covers



the situation” in the Diocese even though it “is not named therein.” According to the draft minutes of the Joint Standing Committee, those present included the Presiding Bishop, her chancellor, Ms. Anderson and Canon Straub.

The same day, June 16, 2011, Canon Straub wrote Ms. Lucka and advised her of the above action and also advised her that “the Joint Standing Committee and Executive Council will continue to monitor the actions of the Annual Convention of the Diocese of South Carolina.” Canon Straub’s letter was not copied to Bishop Lawrence or the Diocese nor were they otherwise informed at the time of this Executive Council action. Ms. Lucka later stated that she was waiting for this letter to be sent to the Diocese before informing others, but there is no instruction in the letter itself that she was to wait or any indication that it would ever be provided to the Diocese. Nor is there any indication that Ms. Lucka ever considered providing the letter to the Diocese herself.

### **Prior to July 1, 2011**

Some time prior to July 1, 2011, the lawyer advising the Title IV Review Committee, the predecessor under the former Title IV to the Disciplinary Board, began working on “the Bishop Lawrence information.” When he was again assigned to this matter in October 2011, he was described as “already more than familiar with that information and the task which is now [the Disciplinary Board’s].” This was not disclosed at the time but only in October 2011 when the President of the Disciplinary Board, Bishop Dorsey Henderson, wrote to Board members and made the communication public. Bishop Henderson has not said who initiated this prior investigation but he later said that the Board itself had not initiated such an inquiry “within memory, if ever.”

This would apparently be the first of three investigations of Bishop Lawrence by the body responsible for certifying abandonment. Because the lawyer was said to be “more than familiar” with the information being considered by the Board in October it is highly likely that the materials considered by the Review Committee were substantially identical at least in part to those considered later. We do not know who presented this information to the Review Committee, but it almost certainly came from either the Forum group that had twice raised these matters with the Executive Council and Presiding Bishop or the “informal connections” with whom they were known to be working.

All we know about this first investigation is that it did not result in an abandonment certification. We do not know whether these allegations were withdrawn or rejected or a decision was made to re-submit them under the new Title IV procedures that eliminated the requirement for consent from the three senior bishops of the church, some of whom likely would have withheld consent. From the sequence of events in September described below, it is apparent that this investigation was not simply handed over to the new Disciplinary Board.

## **July 1, 2011**

The new Title IV became effective and the Disciplinary Board was established replacing the Title IV Review Committee as the body responsible for certifying abandonment charges.

## **August 26, 2011**

Someone at the Church Center finally mailed Canon Straub's letter to the Diocese almost two and a half months after it was sent to Ms. Lucka on June 16, the same day as the Executive Council's action. Added to the Diocese's copy in a different font were "cc's" to Bishop Lawrence and the prior president of the Standing Committee. Canon Straub later explained the delay by saying that he had sent the copy to the Diocese at the request of Ms. Lucka, but there is no explanation as to why the Executive Council did not inform the Diocese in a timely fashion as a matter of its own good order. The Council's action, after all, purported to affect the validity of official diocesan canons. Nor is it obvious why Ms. Lucka did not simply send the copy herself if she thought the Diocese should be informed. If the purpose of the Council's action was to influence the Diocese or its canon law, it should have informed the Diocese officially and promptly. If its purpose instead was to assist dissenters in the Diocese in their canonical challenge to Bishop Lawrence, it makes sense to inform only the group's representative and await further instructions from her.

Canon Straub subsequently sent the diocese a copy of Ms. Lucka's May 25 letter at the request of the diocese.

## **September 2011**

On September 22, 2011, Ms. Lucka formally advised the chair of the Forum (one of those on whose behalf the May 25 letter had been sent) of the Straub response of June 16. She stated that she had "waited to let EFSC and others know about this until the Diocese also was informed. I am told the Diocese has received word of the decision." The Forum immediately made this letter public. Contradicting any implication that this letter was the means by which the Forum was in fact informed of the action by the Executive Council, one of the other signatories to the May 25 letter published this information on his website the day before this letter was sent.

One week later, on September 29, 2011, the President of the Disciplinary Board informed Bishop Lawrence that "serious charges" of abandonment were under investigation by the Disciplinary Board. Bishop Lawrence was also given a copy of the allegations under review, which were contained in an "Addendum" (apparently compiled in April 2011 as described above), but was not given any other documents, including the letter or document to which the "Addendum" was attached, that might clarify the context of the

allegations. The cover document could have been redacted to protect the identity of individuals if that were the reason for withholding it. One of the signatories to the May 25 letter stated on his website without citation of any other source that these allegations against Lawrence had been submitted to the Disciplinary Board “during the summer.”

The next day, September 30, 2011, the attorney for the Disciplinary Board wrote the diocese requesting copies of certain records as part of the Board’s review of the matter. Among the records requested were documents showing how each of the Standing Committee members had voted on the resolutions at the 2010 and 2011 diocesan conventions. This would be irrelevant to an investigation of Bishop Lawrence and seemed aimed at the Standing Committee itself and thus was well beyond any legitimate jurisdiction of the Board. Two weeks later this lawyer recused herself due to potential conflicts of interest within her law firm. Given the standard practice of law firms to resolve potential conflicts of interest at the outset of any representation, it is likely that this attorney had only recently begun to work on the Lawrence investigation.

### **October 17, 2011**

The President of the Disciplinary Board wrote fellow Board members that “because I believe that time is of an essence, I have made a command decision and today requested” that the lawyer who had formerly worked on “the Bishop Lawrence information” replace the attorney who had sent the September 30 letter only later to recuse herself on October 14.

Bishop Henderson’s urgent acknowledgement that time was of the essence, the fact that the first attorney had not done enough work on the matter prior to early October to discover the potential conflicts, and the immediate request for documents after notice to Bishop Lawrence all suggest that the charges were submitted to the Board shortly before the September 29 notice to Bishop Lawrence. On the other hand, the fact that none of the evidence reflects a date after May 1, 2011 and the statement by one of the signatories to the May 25 letter to the Presiding Bishop and Executive Council that the charges had been submitted to the Board “during the summer” would suggest that the Board may have had the information for quite a while and that time was not of the essence.

One way of reconciling these apparent discrepancies is to note the fact that the Title IV Review Committee had commenced work on these matters before it ceased to exist on July 1. If the charges and the Addendum had initially been submitted to the Review Committee in May or June and withdrawn in order to be re-submitted in late September none of these anomalies would arise. If the re-submission was shortly before the September 29 notice, it would have coincided with Ms. Lucka’s strained formal notification to the Forum of a three month old letter from Canon Straub that one of the Forum directors had already posted on his website. And if Canon Straub waited to send

his letter to the Diocese until receiving a request from Ms. Lucka while Ms. Lucka in turn waited to notify the Forum formally until she was “told” the Diocese had received it, who was ultimately responsible for deciding when these acts were to be done?

### **November 16, 2011**

The Diocese announced that it had given quitclaim deeds to every parish in recognition of the 2009 Supreme Court ruling involving the parish on Pawleys Island.

### **November 22, 2011**

The Board decided not to certify Bishop Lawrence for abandonment. Its President explained: “A basic question the Board faced was whether actions by conventions of the Diocese of South Carolina, though they *seem*—I repeat, seem—to be pointing toward abandonment of the Church and its discipline by the **diocese**, and even though supported by the Bishop, constitute abandonment by the **Bishop**. A majority of the members of the Board was unable to conclude that they do.” (Emphasis in the original.)

Even with respect to the Diocese the Board apparently concluded that the evidence only “seemed” “to point toward” abandonment, not that it *was* abandonment. Bishop Henderson made no reference to the quitclaim deeds in his statement, and they had not been mentioned in the evidence submitted in the evidentiary “Addendum.”

### **Spring-Summer 2012**

At some time unknown another submission was made by Ms. Lucka to the Disciplinary Board on behalf of 12 lay people and two priests of the Diocese. Among these complainants were several people who had been party to one or more of the three (or perhaps four) previous submissions alleging abandonment or disassociation. Bishop Lawrence was not aware of this new submission until he was informed by the Presiding Bishop on October 15, 2012 that he had been certified for abandonment. In addition to the matters concerning the 2010 and 2011 diocesan conventions that the Board had already considered, the bulk of the new evidence submitted to the Board concerned the quitclaim deeds and appears to have been assembled on December 9, 2011.

At the request of the Presiding Bishop Mr. Tisdale began to put together a “transition committee” for the Diocese in case it was needed. He stated publicly on November 17, 2012 that he was asked by the Presiding Bishop to do so “a few months ago.”

There are reliable reports that a meeting was held in the spring of 2012 among representatives of TEC and pro-TEC individuals in the Diocese to discuss civil litigation tactics, including the funding of the litigation.

## **September 2012**

On September 6, Bishop Waldo of Upper South Carolina arranged a meeting for October 3 among the Presiding Bishop and Bishops Lawrence and Waldo to discuss solutions to the longstanding tensions between the Diocese and TEC.

On September 18, the Disciplinary Board decided to certify Bishop Lawrence for abandonment on three grounds. Two involved the actions taken at the 2010 and 2011 conventions. The Board now found that those actions not only “seemed to point toward” abandonment, they *were* abandonment. And action by Bishop Lawrence apart from the Diocese was found in his parliamentary decision not to rule the convention resolutions out of order and in his ministerial act of signing the corporate charter amendment approved by the Diocese. The third ground for abandonment was the issuance of the quitclaim deeds. These actions were said to be in violation of the general canons, but mere canonical violations absent leaving TEC or expressing an explicit intention to do so has never before been deemed abandonment.

## **October 2012**

On October 3, the Presiding Bishop met with Bishops Lawrence and Waldo as scheduled. She interrogated Bishop Lawrence repeatedly about how long he intended to remain a TEC bishop, but did not mention that he had already been certified for abandonment or that she had already arranged through her lawyer for a “transitional committee.” The three bishops agreed to a further meeting, which was subsequently re-scheduled for October 22.

On October 10, the Presiding Bishop received at her Church Center office “by US Mail” the September 18 certification from the Disciplinary Board. She has never stated whether she had been promptly informed of the Board’s decision by email. The emphasis given by TEC to its receipt of the certification by mail is striking since Bishop Lawrence to this day has received copies only indirectly by the email transmission of unsigned documents sent to the diocesan chancellor.

On October 15, the Presiding Bishop informed Bishop Lawrence by phone that he had been certified for abandonment and would be restricted. Later that day, the diocesan chancellor received unsigned copies of the certification and restriction from the Presiding

Bishop's chancellor. Bishop Lawrence has never been personally served by mail with these documents as the canons require.

On October 17, Bishop Lawrence informed the Presiding Bishop that he must make the abandonment certification public due to pre-existing resolutions triggered by the certification. Those resolutions automatically disassociated the Diocese from TEC in the event of hostile action taken by TEC against the Diocese or the Bishop and called a special convention in 30 days. This information was made public by the Diocese at approximately 5:00 pm on October 17. Earlier that day, prior to the public notice, Mr. Tisdale met with Bishop Buchanan, who acts as one of the "Episcopal Advisors" to the interim TEC steering committee.

Beginning the next day on October 18, pro-TEC parish websites announced the imminent appointment by the Presiding Bishop of interim structures:

However, soon **an Interim Bishop will be appointed by the Presiding Bishop** to carry on the liturgical work of Bishop Lawrence. **Together with the National Church and diocesan "Transitional Committee" being formed** (of which vestry person Erin Bailey will be a part), along with the avalanche of emotion that will erupt, we will continue as we have. (Emphasis added.)

We all have questions but understand that **a transition team has been put in place by the Presiding Bishop and that information will be shared, perhaps next week.** It will serve everyone well to wait and hear from the Presiding Bishop. (Emphasis added.)

Within 48 hours, the apparent "Interim Bishop" Charles vonRosenberg was reported to be meeting with members of the Diocese. After learning of these developments, Bishop Lawrence declined to meet with the Presiding Bishop on October 22 as scheduled.

## **November 2012**

On November 11, the interim structures were announced by the pro-TEC faction in the Diocese. The "transitional committee" was renamed as a "Steering Committee" and the "Interim Bishop" became two "Episcopal Advisors." The Steering Committee stated that its purpose is to "serve as the broad-based group in the Diocese that communicates with the Presiding Bishop during this period when the Diocese has no functioning ecclesiastical authority." That committee also stated that the special diocesan convention called for November 17 "is not a gathering of the Episcopal Diocese of South Carolina."

These points were echoed in comments made the same day by the Presiding Bishop's spokeswoman to a Charleston newspaper:

The clergy meeting [see below] was organized by the new steering committee, which was formed under the auspices of Jefferts Schori in the absence of a functioning diocesan administration, according to Neva Rae Fox, public affairs officer of the Episcopal Church. The steering committee will begin the process of re-establishing an administrative body in the continuing diocese, she said....

Fox said that Lawrence was indeed informed of his restricted status, and those associated with the new corporate entity called the Protestant Episcopal Church in the Diocese of South Carolina have left the church and, therefore, have neither ecclesiastical authority nor a right to dictate what those who remain in the church can do.

But the special convention was properly called by the Diocese in 2011 and the "corporate entity" is the same South Carolina corporation that has constituted the Diocese legally since 1973. And under South Carolina law and the corporation's bylaws there are specified procedures by which corporate directors (the Standing Committee's legal role) can be removed. They have not been followed. These statements by the Presiding Bishop's office and the steering committee established under her "auspices" thus constitute an acknowledgement that the new TEC "diocese" is not anything in legal continuity with the South Carolina corporation comprising the Diocese.

And notwithstanding their attempted appropriation of the diocesan seal and the name "Episcopal Diocese of South Carolina," that name and seal are the registered property of the corporation to which the TEC "diocese" disclaims any connection. Misuse of registered names and seals is a violation of South Carolina law.

On November 15 the pro-TEC group held what was announced as a "Clergy Day" for diocesan clergy using the Diocese's registered name and seal. Some clergy mistakenly thought it had been called by Bishop Lawrence. The announcement indicated there would be a report by the "Steering Committee," but there was instead a report by the Presiding Bishop's lawyer, Mr. Tisdale, who is not on that committee. According to reports, he stated that he was legal counsel for the Presiding Bishop and that he was asked "a few months ago" to form a transition group in case it was needed. He stated again that the Steering Committee was under the auspices of the Presiding Bishop, and that he and Ms. Lucka were the committee's legal advisors. Other "advisors" included their rector and two TEC Bishops, Buchanan (provisional bishop of the TEC diocese in Quincy) and vonRosenberg. Matters relating to remarriage and licensing, which are canonically reserved for the diocesan bishop and Ecclesiastical Authority, were referred to Bishop vonRosenberg.

Later on November 15, the Presiding Bishop issued a pastoral letter concerning South Carolina. It stated:

The Episcopal Diocese of South Carolina continues to be a constituent part of The Episcopal Church, even if a number of its leaders have departed. If it becomes fully evident that those former leaders have, indeed, fully severed their ties with The Episcopal Church, new leaders will be elected and installed by action of a Diocesan Convention recognized by the wider Episcopal Church, in accordance with our Constitution and Canons.

It is difficult to reconcile the apparent hypothetical (“if it becomes fully evident”) about Bishop Lawrence and the Standing Committee with her characterization of them as “former leaders” and the fact that she had already organized under her “auspices” their interim replacements, much less that she started this process “some months ago.” And although she used the registered name of the diocesan corporation, her statement that new leaders will be chosen at “a Diocesan convention” recognized by TEC and acting pursuant to its canons acknowledges that such a convention will not act pursuant to, and therefore will be unable to claim continuity with, the corporate bylaws, constitution and canons of the Diocese as required of South Carolina corporations by state law. As noted, use of the registered name of the corporation is a violation of South Carolina law.

### **November 17, 2012**

The Diocese held its special convention as called by a resolution passed in 2011. It voted overwhelmingly to affirm the decision previously made by the Standing Committee in its capacity as the corporate board of directors to disassociate from TEC.