

IN THE COURT FOR THE TRIAL OF A BISHOP

JAMES C. STANTON, BISHOP OF DALLAS, et. al.,

PRESENTERS

v

WALTER C. RIGHTER,

RESPONDENT,

PRESENTMENT

James M. Stanton, and the other undersigned Bishops exercising jurisdiction in The Episcopal Church, hereinafter called Presenters, for their Presentment against Walter C. Righter, hereinafter called Respondent, allege the following:

I.

At all times pertinent to this matter, Respondent was either the Bishop of Iowa, the Assistant Bishop of the Diocese of Newark, or a retired bishop in The Episcopal Church. All of the Presenters are Bishops exercising jurisdiction in The Episcopal Church, that is, they are Diocesan Bishops of Dioceses of The Episcopal Church. There are ten Bishops exercising jurisdiction who have signed this presentment.

II.

On January 12, 1972, Respondent was consecrated as Bishop of the Episcopal Diocese of Iowa. At that time, the Constitution of the Episcopal Church provided, by virtue of Article VIII of said Constitution, that "No persons shall be ordained and consecrated Bishop . . . unless at the time, in the presence of the ordaining Bishop or Bishops, he shall subscribe and make the following declaration:

"I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God, and to contain all things necessary to salvation; and I do solemnly engage to conform to the Doctrine, Discipline, and Worship of the Protestant Episcopal Church in the United States of America."

Respondent made the vow to conform to the Doctrine, Discipline, and Worship of the Church at his ordination and consecration.

III.

The House of Bishops of The Episcopal Church met in special annual session in Port St. Lucie, Florida, from September 30 to October 7, 1977. Repsondent was in attendance at that meeting.

IV.

On the third day of the meeting of the House of Bishops, the Committee on Theology presented a Statement which was adopted by the House of Bishops with three abstentions and two negative votes. That theological pronouncement contains the following language:

Bishops . . . as guides for prospective ordinands and as the ordaining minister, have encountered in the past, and may in the future encounter, persons seeking ordination who acknowledge their homosexual behavior.

* * *

With respect to the question of ordaining homosexuals, it is crucial to distinguish between (a) an advocating and/or practicing (willful and habitual) homosexual and, (b) one with a dominant homosexual orientation only.

In the case of an advocating and/or practicing homosexual, ordination is inadmissible; First, because ordination is a corporate act which proclaims our understanding of ministry, the Church thereby sets forth its values, not simply for itself, but in evangelistic terms for the social order. The ordination of an advocating and/or practicing homosexual, therefore, involves the Church in a public denial of its own theological and moral norms on sexuality.

Second, one of the vows required of an ordinand commits him or her to the fashioning of personal (and family or community) life after the manner of Christ so as to be an example to the Church.

The ordination of an advocating and/or practicing homosexual would require the Church's sanction of such a life style, not only as acceptable, but worthy of emulation. Our present understanding of biblical and theological truth would make this impossible.

V.

Following the approval of the statement from the Committee on Theology, the House of Bishops passed the following resolution:

In light of the principles concerning homosexuality adopted by this House as contained in the report of its committee on Theology, it is the mind of this House that, pending further inquiry and study by the Church, no Bishop of this Church shall confer Holy Orders in violation of these principles.

VI.

The General Convention of The Episcopal Church met in Denver, Colorado, September 9-20, 1979. Respondent was in attendance at that Convention. During the Convention, Resolution No. A-53 (Substitute) was adopted, which provides:

Resolved, . . . That this General Convention recommend to Bishops, Pastors, Vestries, Commissions on Ministry, and Standing Committees, the following considerations as they continue to exercise their proper canonical functions in the selection and approval of persons for ordination:

1. There are many human conditions, some of them in the area of sexuality, which bear upon a person's suitability for ordination;
2. Every ordinand is expected to lead a life which is "a wholesome example to all people" (*Book of Common Prayer*, pp. 517, 532, 544). There should be no barrier to the ordination of qualified persons of either heterosexual or homosexual orientation whose behavior the Church considers wholesome;
3. We re-affirm the traditional teaching of the Church on marriage, marital fidelity, and sexual chastity as the standard of Christian sexual morality. Candidates for ordination are expected to conform to this standard. Therefore, we believe not appropriate for this Church to ordain a practicing homosexual, or any person who is engaged in heterosexual relations outside marriage.

VII.

On December 16, 1989, The Rt. Rev. John S. Spong, Bishop of Newark, ordained to the priesthood The Rev. Robert Williams in the Diocese of Newark, knowing him to be a practicing homosexual, living in a partnership with one James Skelly. Subsequent to the ordination, The Presiding Bishop, The Most Rev. Edmond Browning, and his Council of Advice, on February 20, 1990, issued a Statement in regard to this 1989 ordination. That Statement declared:

We feel called to address issues raised in the ordination, by the Rt. Rev. John S. Spong of Newark on December 16, 1989, of Robert Williams, a homosexual person living in a public avowed, relationship with a person of the same sex. This statement grows out of extensive consultation, initiated by the Presiding Bishop, throughout the Episcopal Church, particularly with respect to the issues of the accountability of bishops and others

in authority to the theological tradition of the church and orderly process in church life.

As bishops of the Province of the Pacific have said, ``We do not believe any of us is being responsible with the duties of this office and the polity of this church when one of us acts in such public disregard."

We affirm that the Episcopal Church's position regarding the ordination of practicing gay and lesbian persons is that set forth in a resolution adopted by the 1979 General Convention in which a majority of the bishops and deputies affirmed the following . . . :

``. . . We reaffirm the traditional teaching of the church on marriage, marital fidelity and sexual chastity as the standard of Christian morality. Candidates for ordination are expected to conform to this standard. Therefore, we believe it is not appropriate for this church to ordain a practicing homosexual, or any other person who is engaged in heterosexual relations outside marriage."

Not all members of the Church agree with this position, as they did not when the resolution was adopted in 1979. Nevertheless, short of action by the General Convention, it is the stated and authoritative position of the church at this time.

Bishops are called to safeguard the unity of the church, a responsibility the Newark ordination has seemed to disregard. As the Presiding Bishop and Council of Advice, we disassociate ourselves from the action of the Standing Committee and Bishop of Newark in carrying out this ordination . . . We believe that good order is not served when bishops, diocese, or parishes act unilaterally. We believe that good order is served by adherence to the actions of General Convention.

The Statement was signed by the Presiding Bishop and all nine members of the Council of Advice.

On September 18, 1990, the House of Bishops of The Episcopal Church, meeting in Washington, D.C., adopted its Resolution No. B-1a, which stated:

Resolved, That the House of Bishops of the Episcopal Church affirm and support the Statement of February 20, 1990, made by the Presiding Bishop and his Council of Advice in regard to the ordination of a practicing homosexual by the Bishop of Newark on December 16, 1989.

Respondent was present in the House of Bishops when this Resolution was passed. However, he dissented from the Resolution and voted against affirming the February statement.

VIII.

On September 30, 1990, Respondent (who was then Assistant Bishop of Newark) ordained to the diaconate one Barry L. Stopfel, in the Diocese of Newark. At the time of the ordination, Respondent knew that Barry L. Stopfel was a practicing homosexual, living in a sexual partnership with one Will Lecke, prior to the ordination, and the Mr. Stopfel intended to continue in that homosexual relationship after ordination.

On August 25, 1994, Respondent (who was then a retired bishop) was present in the House of Bishops at General Convention meeting in Indianapolis, Indiana, and joined in the signing of "A Statement of Koinonia", made by The Rt. Rev. John S. Spong, in which Respondent acceded to the following statement:

We pledge ourselves to ordain only those persons whom the testing and screening process reveals to be wholesome examples to the flock of Christ. But let there be no misunderstanding, our lives and our experience and bishops have convinced us that a wholesome example to the flock of Christ does not exclude a person of homosexual orientation nor does it exclude those homosexual persons who choose to live out their sexual orientation in a partnership that is marked by faithfulness and life-giving holiness.

The public action and public teaching of Respondent is therefore:

- (a) A practicing homosexual can be properly ordained to the ministry of The Episcopal Church.
- (b) Respondent will not be bound by teaching statements of The Episcopal Church declaring it impermissible to ordain practicing homosexuals.

IX.

Title IV, Canon I, Section 1 of the Canons of the Episcopal Church provides:

A Bishop . . . of this Church shall be liable to presentment and trial for the following offenses, viz:

* * *

(2) Holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by this Church.

* * *

(6) Any act which involved a violation of his Ordination vows.

X.

Count 1:
Respondent is hereby charged with violation of Canon IV.1.1(2) in that he is teaching publicly and advisedly that a practicing homosexual may properly be ordained to the diaconate or priesthood, and has rejected the doctrine of the Church that it is impermissible to ordain a practicing and/or advocating homosexual. He is therefore teaching a doctrine contrary to that held by this Church.

Count 2:
Respondent is hereby charged with violation of Canon IV.1.1(6) in that he ordained a practicing homosexual to the diaconate, knowing the ordinand to be a practicing homosexual, in violation of the teaching of the Church, and thus committing an act in violation of his ordination vows to "conform to the Doctrine . . . of the . . . Church," and in the face of the declaration of the House of Bishops that "no Bishop of this Church shall confer Holy Orders in violation of" the principle that "In the case of an advocating and/or practicing homosexual, ordination is inadmissible."

XI.

All such acts charged against Respondent occurred less than five years prior to the filing of this Presentment.

Wherefore, Presenters pray that this Presentment be served by the Presiding Bishop upon the Respondent, together with the Brief in Support attached hereto, setting a date for Respondent to answer, that upon such Answer being made, or the time therefore having expired, that the matter may then be placed in the hands of the Bishops for approval for trial or not, and upon approval for trial, that the matter be set for trial before the Court for the Trial of a Bishop, and upon conviction, punishment be imposed as provided by canon law.

[Br. Thomas Bushnell, BSG](mailto:tb@mit.edu) / tb@mit.edu