

## **Day 4 – Trial of ANiC Parishes v Diocese of New Westminster - May 28, 2009**

*In God, whose word I praise, in God I trust; I will not be afraid. What can mortal man do to me?*

(Ps 56:4)

Today was a short day in court, ending just after noon, which although surprising, was a great relief. The Rev David Short, rector of St John's Shaughnessy since 1993, was on the stand for only a couple of hours when many of us were expecting more than a full day.

David was born in Africa, where his father was serving as an Anglican priest and where his grandfather had also served as an Anglican priest. His father later became a bishop in the Diocese of Sydney so David was raised in Africa and Australia. He grew up knowing that he belonged to a global group of churches that no matter where you were in the world, you believed the same faith.

He described the difference between "communion" - the spiritual and personal reality that exists when we put our faith in Christ and are united with God and with all those who believe the same faith - and "Communion" - which relates to the structures that have evolved to promote and protect our faith. He discussed how the Solemn Declaration of 1893 and the Windsor Report reflect that understanding.

He explained how, when he arrived in Vancouver to attend Regent College in 1991, he found St John's to be of the same character as Anglican churches in Sydney, "liturgically centrist, broadly speaking... evangelical" and with a number of ministries both in and outside the parish.

He discussed his involvement with the synods, clergy conferences and as regional dean for several years, as well as reaction to Bishop Ingham's book, *Mansions of the Spirit* and the pastoral issues it raised in the congregation. He said the vote of the diocesan Synod in 2001 "shocked" him after the clear position taken by the House of Bishops in 1997 and the Lambeth Conference in 1998. After the 2001 vote, a number of conservative clergy in the diocese met with Bishop Ingham to indicate the depth of their concern and that this was a "no go area" for them. Just before the 2002 Synod, he delivered a legal opinion to Bishop Ingham that said because the issue of same-sex blessings is an issue of doctrine, it was only within the jurisdiction of the General Synod and any motion would be *ultra vires* (beyond the authority of the diocesan synod).

He discussed the conscience clause offered by Bishop Ingham, saying that such clauses are only for issues of "conscience" that Christians can legitimately disagree on. Where the Scripture is clear, it cannot be a "conscience (clause) issue" between believers. He had tried to explain to the bishop, that because of the Lambeth resolution and his understanding of scripture, this was a matter that would violate his conscience. He said, "It goes to our understanding that our

unity in the church is based on the doctrine of the church.” To sign a conscience clause would make “our mission incoherent to other Christians”. David said that he and two others went to see the then Metropolitan, Archbishop David Crawley, but “he was not sympathetic to our view”.

After the vote in June 2002, a number of synod delegates and observers walked out to visibly demonstrate the depth of the crisis. He said it was “like a train hitting a fork in the track and the train continuing but splitting in two and going down both tracks”. That group met in one of the churches and formed the Anglican Communion in New Westminster (ACiNW). They felt the diocese had broken communion and they needed to find a way to reconnect with the Communion. They resolved to seek alternative episcopal oversight, ideally from the Canadian House of Bishops (HOB). He discussed some of the highlights (and low lights) of the years spent appealing to the HOB, the Archbishop of Canterbury and the Primates – including the offer by (then) Bishop Terry Buckle to provide alternative episcopal oversight which was opposed by Bishop Ingham, and the canonical charges brought against him which he thought was “a medieval way of dealing with a deep theological divide. I was saddened and didn’t feel this was an appropriate way to deal with it.”

He talked about the Primates’ meetings and the Windsor Report and how he and a few others met with 14 to 18 Global South primates in Dar es Salaam, just prior to the Primates’ meeting in 2007. At that meeting, the Chairman asked Archbishop Venables if he was willing to provide oversight for ANiC parishes and he replied that he would have to consult with his House of Bishops, but he was willing. They affirmed they would support him in this. After the Canadian General Synod meeting in 2007, David came to the conclusion that there would be no Canadian solution forthcoming and St John’s voted in February 2008 to accept the episcopal oversight of Bishop Don Harvey under the jurisdiction of Archbishop Greg Venables and the province of the Southern Cone. He affirmed that Archbishop Venables’ oversight was intended to be temporary until one of a number of things happens: “Either unity breaks out... one or the other side turns to another view... or the [new North American] province is recognized”.

He discussed the difference in the way the issue of women’s ordination was dealt with by the Communion, where all four instruments of unity were consulted and found a way forward, whereas all four instruments of unity have said “don’t proceed” with same-sex blessings.

Cross examination dealt with questions relating to the bishop’s jurisdiction, David’s status as a priest being dependant upon Bishop Harvey’s status, and the Dar es Salaam meeting David attended was not one of the four instruments of unity – to which David replied, “No, but to have 70-80% of the communion represented by those primates is not insignificant”. Although Mr. Macintosh insisted that David was seeking a bishop “who thought like you did”, David remained steadfast that he sought a bishop who “was *in* communion” (with the

global Anglican Communion) and who held the doctrine of the Church, not one who agreed with his personal views.

Mr. Macintosh went on to ask about the diocesan assessments not paid by St John's since 2002, asking if David was aware they were \$2.3 million. David thought that was very high since in 2002, St John's was paying about \$110,000 – which would amount to \$660,000 over six years. Mr Macintosh asked whether St John's had contributed to the Residential Schools Claim (RSC) and David explained that the diocesan portion of the RSC had been paid from the diocesan New Development Fund, a fund which St John's and all the parishes had paid into for many years. The subsequent diocesan fund-raising was to replenish the New Development Fund, but because communion was breached, St John's did not contribute. However, parishioners were informed that they could contribute if they wished to.

Further questions touched on the Legal and Canonical Commission Report and the contrary legal opinion provided to the bishop prior to the 2002 vote, the conscience clause issues, Bishop Ingham's demands to affirm his canonical obedience, and an earlier comment he made about the trust. In response to his final question, "There's no declaration of trust?", David replied, "Apart from the Solemn Declaration and all that makes us Anglican?". Mr Macintosh advised he had no further questions at that point.

The trial has been adjourned until Monday morning when the diocese and Bishop will begin presenting their evidence. Bishop Ingham will be on the stand on Monday morning.

It is important to be aware that most of the evidence in this "expedited trial", is actually contained in some 75+ affidavits which have been filed with the court.

The testimony in court is merely to give the judge some overview and sense of the people involved, but is in no way to be considered "all" of the evidence before the court.

Please continue to pray as our legal team prepares to cross-examine the diocese's witnesses next week, and as they prepare for the closing arguments the following week.

Your sister in Christ,

*Cheryl Chang*