

Day 6 – ANiC Parishes v Diocese of New Westminster – June 2 09

Bishop Michael Ingham continued his direct evidence in the morning with the assistance of his counsel, George Macintosh, QC.

Approaching 2002 diocesan synod, he said “I thought I needed to take some leadership... I wanted to consult with clergy I knew to be disaffected. I put forward a number of proposals to them. I wanted to gain their reaction and seek their input.” The proposals dated May 23 contained provision for both the Episcopal Visitor and a Conscience Clause. “I was aware that my relationship as chief pastor would be affected... I wanted to assure them they would not be compelled and so proposed a conscience clause.” He said there would be no discrimination on their views and that it was “not to become a litmus test for people as to whether they would or would not receive jobs”. However, “there were members of that gathering that wanted a bishop with jurisdiction”, saying that would contravene the ancient tradition, historic episcopate and the canons of the church. “I was hoping for a compromise...” In his view, they were seeking an arrangement that “would have the effect of balkanizing the diocese”.

Although he received a Legal Opinion just before the Synod saying a diocesan bishop did not have jurisdiction to authorize same-sex blessings, he “said to them this was a little late” and he relied on the Legal & Canonical Report and the General Synod Task Force Report on jurisdiction in determining he had jurisdiction to proceed with same-sex blessings. “I shared it with Chancellor Cadman and neither of us found it persuasive enough.”

The Synod was held June 14 and 15, 2002 and Motion 7 passed by a vote of 215 to 129 – a majority of 62.5%. Synod debated most of Friday afternoon, they voted by secret ballot and the result was announced in the morning.

After a statement by Rev Trevor Walters, there was a walkout, but he said, “In my view, they were bringing in others to give the impression of a larger walkout” than it really was.”

Four other congregations walked out, in addition to the four in this litigation: St Simon’s, St Andrew’s, Emmanuel Richmond and the majority of the congregation of St Martin’s North Vancouver which subsequently left the ACoC.

After the walkout, “we all sat in stunned silence for awhile. It was a very distressing moment for everyone. I was asked from the floor what my decision would be” said Bishop Ingham. “Normally I give my assent at the end, but there was understandably a desire to hear from the bishop... I said we opted to permit but not compel. We were trying to create space for all people in our diocese.”

He expressed great concern that Trevor Walters wrote to the Archbishop of Canterbury and all the Primates of the Anglican Communion which included a

statement to the effect that “Our bishop has threatened to remove the licence of our clergy who cannot go along with [this decision]”. (I did not see the exhibit Bishop Ingham referred to here.) Bishop Ingham said, “This is the very opposite of what I did.” He stressed that his written proposal said no member shall be required to act against their conscience and that there was no sunset clause, “although I cannot bind my successors.”

However, his letter to the clergy did say, “Clergy holding or seeking the licence of the bishop must honour the conscience of others... failure to comply may result in the termination of licence” But he stressed that the Bishop’s expectations of clergy have to do with relationships. Bishop Ingham said, “My view was that there was material [in Rev Dr Walter’s letter to the Primates] that was substantially misleading” and said “we appeal to you... to intervene... to protect the clergy and congregations in this diocese”. Subsequently, some primates did intervene. “This letter was pivotal because it moved the discussion away from same-sex blessings and into the discussion of parallel jurisdictions.”

The Archbishop of Canterbury, responded to Rev Walter’s letter saying he didn’t think it appropriate to comment before the debate and expressing his own view which was against same-sex blessings and referencing the 1998 Lambeth Resolution 1.10. In another letter, the Archbishop of Canterbury referenced his concern of threatening unity and Bishop Ingham said “I was deeply concerned (about unity)... and the impact on the wider church”.

“This is when the issue became international... beyond my ability to control it...”, he said. He felt there was an “effort to establish a particular teaching in matters of human sexuality as normative for the Anglican world. “The protagonists in the debate were led by Primates in South East Asia and Africa who subsequently... intervened in this diocese.”

After the vote and walkout, he said, “I support the right to protest. I wasn’t clear if this was a protest or a resignation so I wrote to them to seek clarification.”

Chancellor Cadman followed up with letters as well. He then asked them to meet with him individually...“but they appeared with counsel” he said.

He said the National House of Bishops (HOB) in 2002 asked him to participate in mediation with the parishes, but after meeting on two or three occasions, the mediator “advised us that he did not feel this was being productive.”

He said the Episcopal Visitor provision was taken up by one parish – St Clement’s in North Vancouver, under the direction of Rev Sarah Tweedale and that “It was excellent – he came out about two or three times a year. We conducted worship together and modeled friendship and hospitality” across the theological differences.”

He said that after the National HOB produced its document on Shared Episcopal

Ministry (SEM), some of the Plaintiffs wrote to the Archbishop of Canterbury, saying it did not meet their needs. The Archbishop of Canterbury's Panel of Reference (POR) in late 2005 was asked to consider the case in New Westminster. He said the Panel of Reference supported Shared Episcopal Ministry and the Plaintiff parishes were criticized for deeming them inadequate.

After that, there was the "attempted intervention of Bishop Buckle" he said. "Once the watershed moment passed, when the discussion became less about same-sex unions and more about oversight from outside the diocese, I became aware of an effort to bring in others, not merely to support but to bring jurisdiction".

"Bishop Buckle wrote a letter to me offering episcopal oversight with jurisdiction. That was not within his competence to do. In consultation with Chancellor Cadman, we found that not to be an offer, but an assertion of jurisdiction under canon law. I declined his offer... I issued a prohibition saying he had no authority to exercise jurisdiction in my diocese."

After the HOB exerted considerable pressure on Bishop Buckle to withdraw his offer, the then Archbishop of BC and the Yukon commenced disciplinary proceedings. Bishop Buckle withdrew his offer and Bishop Ingham said that the two of them have since reconciled. At the same time, Bishop Ingham "stayed" ecclesiastical charges, which he had earlier laid against some of the conservative clergy.

He implemented a partial moratorium in 2005 when there were 8 parishes out of 78 that asked for permission to do same-sex blessings and a further 6 parishes which had requested permission to do so.

He said, "We have not asked any congregations to leave... We are an inclusive diocese and hope that all can stay... When I'm in a position to do so, I'll respect the wishes of the congregations" regarding clergy appointments."

Bishop Ingham said that his book, *Mansions of the Spirit* was an introduction to the history of inter-faith dialogue, which he felt was essential between the world's religions for peace making. He said his position is "grounded openness", "grounded in Jesus Christ" and open to the truth in other religions.

He said he viewed the Solemn Declaration as a historical document and that the phrase "the Church of England throughout the world" in the Solemn Declaration, referred to "a common understanding that it was in reference to those churches in communion with the see of Canterbury." Also, "The Anglican Communion consists of autonomous churches – we are held together by bonds of affection."

He said the Anglican Church has faced a number of controversies similar to this one including slavery, the ordination of women, remarriage of divorced persons, the communion of children and efficacy of baptism, saying these are doctrinal issues upon which different positions are taken across the world. "I see

Anglicanism as a big tent within which there is room for differences.” He thinks that is the genius of the Anglican Communion and his “concern in recent years is the division” of the tent. He said he sees his role as preserving the unity of the church tent and holding people together in dialogue in it.

He said the vows he took as bishop, gave him the task to boldly proclaim and also interpret the gospel, “and also to stir up the conscience of people... Stirring up the conscience of people is not always welcome”.

Cross Examination of Bishop Ingham

Counsel for the parishes, Geoff Cowper, QC, showed a screen shot of the ACoC website describing Anglican Identity which lists the Apostles Creed, Nicene Creed, the Articles of Religion, and the Solemn Declaration of 1893 (see: www.anglican.ca/faith/identity/index.htm <<http://www.anglican.ca/faith/identity/index.htm>>). Bishop Ingham agreed there were no references to any canons, but claimed these are only resources.

He agreed with Mr Cowper on the following statements:

- The office of the bishop is to have regard to the unity of the worldwide Anglican Communion.
- The “unity of the church” includes the church beyond the boundaries of Canada.
- Generally, the structure is for the purpose of advancing the faith.
- Faith and order are equally important.

He would not agree that there is a “state of teaching” in the Anglican Communion, although he acknowledged his quote in a December 2003 interview in Maclean’s magazine where he said “[t]he official teaching of the Church everywhere, so far as I know, is that homosexual acts are sinful”. He responded “that was the teaching of some churches”.

He admitted that when he was a candidate for bishop, he made it known he would abide by the HOB guidelines until they were changed, and that to this day, the HOB has not changed its policy. In 1994, he wrote a memorandum saying “...I do not believe bishops have the right to act unilaterally... I will be governed by these guidelines... (but) I will continue to speak against them.” He said “the process of changing my mind took several years.”

He agreed that from the point of view of people in his diocese, he had long before 1998 decided that the policy of same-sex blessings should be changed, “but I didn’t decide how that would happen” he said.

After having issued the rite, he saw his role, and that of the diocese as “we are in the forefront of the movement of change across the church”, saying they were effectively acting in “a prophetic role in the church”. He agreed he took action knowing that consensus had not been reached in the Canadian Church or the international Church. When Mr Cowper asked if occupying the position of

prophet to an uncomfortable audience can be even more difficult than “stirring up the conscience” of people (referred to earlier), he replied “That’s very biblical – yes.”

He denied the accuracy of a blog account of his meeting with Integrity in 1999, particularly the statement he was looking for a “way around the HOB”, which he denied saying.

While claiming many times he relied upon the decision of the synod, the advice in the Legal and Canonical commission to authorize same-sex blessings was that diocesan decisions were of persuasive value only, and that he did not require any permission from anyone to proceed. He admitted that when he decided to act, he knew that it was his decision and no one else’s decision at law, and that on this advice, he didn’t even have to hold a synod, he could’ve just done it.

He said the 1979 HOB guidelines were only persuasive, and that since General Synod had not acted to prohibit him from acting, he was free to do so. He also agreed that the four instruments of unity in the Communion were “morally persuasive and not legally binding” and that his decision was to act before a consensus was reached. He also agreed there was consensus on women’s ordination and the remarriage of divorced people before they acted upon it. He acknowledged there was no consensus in the General Synod as well.

He knew that voluntary relationships in the church could get strained if he decided to go it alone but he had “a great deal of faith in the unity of the Communion.” He also said “I did not regret my decision but regret that others were hurt by it. I did not regret the correctness because I think it was the right thing to do.”

He was “deeply disappointed” when the Primates and the majority of the bishops from around the world asked him not to proceed at the 1998 Lambeth Conference, describing it as “a rather sordid debate”, accusing the bishops of “hissing and booing and shouting out unspeakable things against gay and lesbian people.”

He agreed that many unprecedented things have happened since he took that step, including:

- that the ACoC was asked to “voluntarily” withdraw from participation in the Anglican Consultative Council from 2005-2008.
- that 200 bishops did not attend Lambeth 2008.

Although he pointed out that “irregularly” consecrated bishops were not invited to Lambeth in 2008, he admitted he was aware that the apostolic succession in the United States was due to a Scotland bishop who consecrated US bishops in the 1700s after the revolution.

He also admitted that he:

- Invoked Canon 15 against St Martin's and changed the locks on a Saturday and dismissed the Trustees before people knew that Canon 15 had been invoked.
- Terminated the mission of Holy Cross Abbotsford in the fall of 2003, which he claimed was reported to the media just before Christmas.
- Terminated the mission of Emmanuel Church.
- Imposed Canon 15 against St Simon's and St Andrew's Pender Harbour and that he attempted to replant a congregation in Pender Harbour – as part of the renewal efforts after the congregation left, but that the ministry has since been suspended and the building is “temporarily unused”.
- He removed Rev Dr Archie Pell from Christ Church Hope, claiming that they had agreed Archie would take an early retirement as “there was a dispute between us resulting from actions Rev Pell took that disenfranchised members of the parish.”
- He imposed Canon 15 on St Matthias and St Luke as well as on St Matthews.

When asked to agree this was an unprecedented amount of such activity in the history of the diocese, he said “Never before in this diocese, have there been attempts to balkanize and partition the diocese.”

When Mr Cowper tried to get the bishop to agree that it was not realistic to expect the congregations in this litigation that voted overwhelmingly to leave his jurisdiction, would stay under his jurisdiction if the clergy were removed, he said “I'm hopeful they will stay. One should never underestimate the attachment of some Anglicans to their buildings” – which brought gasps from the gallery. He also said he believed the congregations were promised they could take their buildings with them, although he admitted he had not attended any of these meetings.

Mr Cowper mentioned there was a list of conservative clergy who have been hired in the diocese up to 2003, but Bishop Ingham was not aware of any lists showing such appointments after 2003. He agreed that a number of the appointments on the list were actually transfers of people already within the diocese.

He said “We are a very hierarchical church” Lambeth Resolution 1.10, like all resolutions, is advisory only.

Asked if it was possible for him personally, to go back to sentiments of 1998 or the 1979 HOB guidelines, he said “having crossed that bridge it would be hard to go back over it”.

When asked about assessments, he said that “Assessments are not voluntary. There are no enforcement provisions but there are consequences if they don’t pay.”

He agreed that same-sex blessings, not same-sex marriage was before the diocesan synod but also confirmed he was motivated by this double standard.

He also agreed that, now that homosexuals can receive recognition of their civil unions and not heterosexual couples, the church will have to address this double standard at some point.

Tomorrow (Wednesday), the hope is that the remaining three witnesses for the diocese will be covered which will be the end of the trial for this week. Legal argument will begin on Monday.

Thanks for your prayers.

Cheryl Chang