

## Day 7 – ANiC Parishes v Diocese of New Westminster – June 3 09

Ms Ludmila Herbst, Associate Counsel for the bishop and diocese, called three witnesses today.

**Rev Kevin Dixon** was the first witness. He came to St Mary's in 1997, and was an associate priest at St Mary's from 1997-1999 when he became rector.

Born and raised in the Huron diocese, he attended his first diocesan synod as a youth delegate in the 1970s. He was theologically trained in the diocese of Huron and has a long history of Huron diocese clergy in his family.

There was discussion at the diocesan synod in 1979, just after the 1979 House of Bishops (HOB) statement came out. In response, he attended two dialogue processes in the diocese using resources developed by the national church. He said there had been a number of resolutions in the Huron Synod over the years, including a motion to endorse the ordination of celibate homosexuals.

St Mary's incorporated in 1911 and has 1800 names on parish list with approximately 300-350 on a Sunday morning over three services, including one which uses the BCP. He said it is an active parish, with a diversity of ages, Sunday school and outreach. He said "The perspectives held within the parish are quite diverse."

His international involvement includes being on the Board of Directors of the Cristosal Foundation; as well St Mary's is a member of the Compass Rose Society. He said that when he attends international meetings, he identifies himself as from the diocese of New Westminster and he is "always welcome".

He said that he had no recollection of learning about the Solemn Declaration of 1893 while in seminary and his first recollection of hearing about it "as having any significance was at an event at Trinity Western University in 2001. I heard Dr. J I Packer making reference to the Solemn Declaration." Otherwise, he said, he only heard about it in the context of this litigation.

He said that St Mary's was twinned with St John's for the Dialogue process. He thought that the "materials were balanced, but I thought that Edith Humphrey was not as cogent as others. It seemed the author was more focused on 'you can't bless that' – it was more polemic." (Note: Edith Humphrey has given affidavit evidence as one of the parishes' expert witnesses.)

He claimed that he didn't like the attitude expressed by some of the St John's parishioners, saying "one" accused the facilitator of not being a Christian "on the basis that she had agreed to facilitate the process." He did not name the "one".

In September 2000, he received a letter that David Short and the St John's

parish council could no longer participate in the dialogue process, saying it was “because it was contrary to scripture and, in their view, listening to experience could not change scripture”. He understood that St John’s parishioners were not prevented from participating, but their participation significantly decreased after that.

He seconded the motion regarding the blessing of same-sex unions in the diocese. He felt the two most significant aspects of the proposal were the conscience clause and episcopal visitor and he supported both of those provisions.

He said there are a number of passages in Scripture that people who support same-sex blessings refer to. He said that the Old Testament is part of literature that outlines 613 religious laws and the Jewish people reduced those to the ten commandments. He then quoted: “Jesus replied, Love the Lord your God with all your heart and with all your soul and with all your strength and with all your mind, and love your neighbor as yourself.” Rev Dixon said, “Our response to Jesus is love. As Anglicans we have a heritage of good biblical interpretation.”

He recounted an event at the Synod in 2002 when he was on the way back to his seat after speaking to the motion: “Michael Bentley [a warden at St John’s Shaughnessy] blocked my path and he said, ‘You don’t understand. This is about much more than same-sex blessings and you don’t know what it was like when we tried to appoint a priest at the St John’s parish.’” He assumed the reference was to a particular candidate as he had been on the diocesan appointment committee during that time.

He described the appointment process and said the committee makes a short list “in consultation with the bishop” and that indicates the bishop would appoint any of those listed on the short list. Rev Dixon said he did not support that particular candidate for St John’s for reasons not associated with theology. He felt the appointments process assured the best priests possible and a theological match between the clergy and the parish.

He said that in 2008, St Mary’s voted by an 86% majority to become a blessing parish pending the lifting of the diocesan (partial) moratorium and he hoped that the vote might encourage the lifting of the moratorium. They have not done any blessings because the bishop did not give permission, although he wrote to say he would be pleased to give permission once the moratorium was lifted.

Under cross-examination, he agreed that he and David Short had talked about Rev Short’s distress about the dialogue process and his view that it ignored the Lambeth Conference vote on Resolution 1.10. He also confirmed that Rev Short wrote a “gracious” letter advising him of St John’s intention to withdraw and that, in that letter, Rev Short expressed a desire to work together on other topics that were ministry focused.

When asked if in his training he studied the constitution of General Synod, he said no.

He admitted he knows that the Solemn Declaration forms part of the Declaration of Principles and said he didn't study the Handbook of General Synod that has the Solemn Declaration at the beginning.

He also confirmed that if you go to St Mary's, you would find copies of the BCP with the Solemn Declaration at the beginning of the books.

He said he was not aware of a speech by the Archbishop of Canterbury (this referred to a speech by the Most Rev. George Carey), saying the Solemn Declaration was "a treasure of the ACoC".

He confirmed that he was on the working group of the diocesan Strategic Plan task force which produced a report, recently adopted by the Synod, that looks at the challenges of the area and the scale of changes needed to address the problems. He agreed that the Strategic Plan Report identifies the church has been in decline for decades, that the diocese has shrunk (the four parishes in this litigation not included) and that one tool or response is the closure and merger of parishes to meet the overall goal of "vital and sustainable" churches. He also agreed that the church structures are not permanent and that the merger and changes that are planned are "structural changes".

He agreed that he was not suggesting that the discussion/interaction with Michael Bentley at the 2002 Synod was "the encyclopedia of why people were upset" about the motion. He also agreed that in discussions about this issue, there were conservatives who expressed their views with dignity and in a restrained fashioned and with a reasoned approach with respect to the proper interpretation of scripture. He replied that David Short had agreed on a respectful dialogue early on, and "When we began, I thought we would continue in a respectful dialogue. It was regretful that mid-way through, he would withdraw."

Finally, he did agree that there is no guarantee a dialogue will end up with an agreement and that some may reach the conclusion that the differences are too great to bridge.

The diocese's next witness, **Douglas MacAdams**, a "cradle" Anglican, born and baptized in the church, said he has been active in Anglican organizations as an adult. He was a Trustee in two parish corporations in the diocese of New Westminster, and a diocesan legal officer or 'assessor'.

In the 1990's, he was a Trustee at St Matthew's in Abbotsford (one of the ANiC parishes involved in this court case). Since 2006, he has been the Chancellor for

the Ecclesiastical Provincial Synod of BC and the Yukon.

He attended Christ Church cathedral from 1973-1989, then he moved to Abbotsford and his family attended St Matthews from 1989 to September 2002.

He considers himself a “broad church liberal” – focusing on the “broad church” aspect. “The Anglican Church is a big tent church in which the liberal can worship and do ministry together with Evangelicals, Anglo-Catholics and Charismatics, all of us being authentic loyal Anglicans,” he said.

In 1989, he found St Matthew’s a welcoming and accommodating parish. It was more evangelical but with some charismatic flavour, “more than we were used to, but we were welcomed despite our liberal leaning.” In 1989, Rev Jack Major was “open to our view and we felt welcome and respected.” He said the Rev Dr Trevor Walters, who succeeded Rev Major, was along the same “grand lines” but as the 1990s progressed, “he led the parish to a more evangelical, charismatic and renewal focus, more than when we first attended. It was decidedly acceptable to me, even though it was not the theology of my wife and I. It was exciting and liberating to be among those who took their faith seriously – it was good for us,” he said.

He said that after Trevor Walters became rector, some cradle Anglicans drifted away and newer members came with a congregational model – where the congregation was the ultimate authority and decides which groups they will affiliate with. “I contrasted that with the diocesan model where the bishop decides on the rector. He said there is “no option as to who the parish will affiliate with or disaffiliate with because who they are affiliated with is determined by the geography.”

He said that at least one synod delegate of St Matthews did not walk out of the Synod in 2002 and he did not know about the walkout beforehand. He said “I thought that walkout represented an inconsistency, a break with what I considered to be the essentials of Anglican ecclesiology.” He defined “ecclesiology” for Mr. Justice Kelleher as the “the fundamental principles of church governance”.

“The reason it was a concern... is that we are all in this together, and if we are all within the geography of the diocese, it’s our job to worship together as Anglicans, even if we disagree on theological matters. My understanding of the fundamental principles on which the Anglican Church was governed, the reason is that the church needs to prosper and do God’s work, the church needs people of all talents and of various understandings of God. My understanding is that it is good for you to worship with those who are geographically contiguous and who have a different view.”

He said it is well known that some parishes are known as Anglo-Catholic, some

more Evangelical, some broad church and some are more liberal. “But at synod, you are forced to rub up against and deal with others of a different view. Priests have been to deanery meetings where they have been forced to deal with people with different views.”

He said he tried to advise people at St Matthews in June and July 2002, up to the special vestry. “I wrote letters to the leadership and general members and inspired or motivated several meetings at which I warned and cautioned... that if the membership supported what I understood the leadership was proposing, it was my legal analysis that the parish could well find the diocese exercised its legal powers to draw the parish back into the diocese by replacing the clerics and trustees and gaining control over the land and assets of the parish.” He was not able to attend the Vestry meeting on July 14, 2002, but later learned that a number of resolutions were passed that:

1. Authorized the leadership to withhold the assessment payments to the diocese
2. Affiliated the parish with Anglican Communion in New Westminster (ACiNW) (who he said were “of the same mind with respect to same-sex blessings”)
3. Allocated money to pay legal expenses – which he claimed were “monthly legal expenses for dealing with the withdrawal from the diocese by the parish”

Between July 2002 and Sept 2003, there were a number of meetings, a few of which he attended, at which the leadership presented information and held votes. He continued to try and “persuade my fellow friends and parishioners” not to withdraw from the diocese, and to ensure his cautions and warnings from June 2002 were communicated and understood – that the diocese had the legal authority to regain the property and assets.

He left the parish in Sept 2003 to attend another parish in the diocese because, “there was a special vestry meeting at which there was a resolution approved for the payment of a significant amount of money for lawyers.” He felt “this was a parish that was going to spend too much time on church politics and too much money on lawyers.”

His family now attends a church in the Valley – St George’s in Fort Langley. “But,” he added “we are hoping to return to a diocesan friendly parish in our own city.”

On cross-examination, Mr. Cowper asked about the member of synod that did not walk out of the synod. Although Mr. Mac Adams couldn’t recall that the one delegate who did not walk out was Mr. Don Gardner, he did admit he was aware that Rev Gardner has since become a deacon in the Anglican Network in

Canada.

He agreed that he had warned the Trustees that they might be exposed to great personal liability and advised them they ought to get legal advice regarding the risk, and he said he was “hoping my friends” would do so.

Mr. Cowper challenged Mr. Mac Adams on a number of paragraphs in his affidavit and it was clear the two lawyers disagreed on a number of legal interpretations.

When asked if his relationship with other members of the parish became strained after the passage of the motion for same-sex blessings, he replied that “the vast majority of the parish continued to be civil throughout the whole of it to me and my wife.”

In his affidavit, Mr. Mac Adams said he shared the title of “cradle Anglican” with “thousands of others”, but he agreed with Mr. Cowper that there are many thousands of people who identify as Anglicans who don’t attend church. He also said he wouldn’t argue with Mr. Cowper’s assertion that about 95% of those who say they are Anglicans don’t go to church.

He also agreed that he was not suggesting that cradle Anglicans have some privileged status in the Anglican Church and that, whether a person is from a congregational background, Unitarian or whatever, they should have an equal status in the church.

**Rev Christine Rowe** is the Incumbent at St. Catherine’s. Originally from England, her father was an Anglican priest, her husband is an Anglican priest and his father was an Anglican priest. She was baptized in the Church of England and originally wanted to be a missionary. She worked in an Anglican church school in Pakistan for two years before she felt a call to the priesthood. She studied for three years at Ripon College Cuddesdon, Oxford, and obtained a Certificate of Theology in 1986.

She became a deaconess because she was not able to be ordained until 1987 when legislation was passed in Parliament and in the Church of England to allow women’s’ ordination. She was ordained a priest in 1994 in England after further legislation. She said many were opposed to women priests in England even though it was happening in other parts of the world earlier. There were options (referring to alternative oversight, often called ‘flying bishops’, although she didn’t name that term) for those who disagreed, she said, but “always with the permission of the diocesan bishop.”

In general, she felt a very good response to her ordination, but some people would refuse communion from her. She said that in jurisdictions where women are not ordained, she cannot perform certain functions in those places.

She has been involved internationally with projects in India and Malawi, and with the Mothers' Union. She said that wherever she went, she received an "amazing reception" and that people knew she was from the diocese of New Westminster.

As a priest, she served in three parishes in the diocese of Oxford and said because the Church of England is the established church the whole country is divided up into "parishes", in which there is a place of worship.

She came to Vancouver in 2000 and served first at St Thomas's, a "small" church in East Vancouver, for 6 years. She then moved to St Catherine's in North Vancouver, which she called a "larger" parish.

When Mr. Cowper asked her what she meant by a "small" parish, she said that St Thomas had about 40 people on a Sunday, although there would be more on the membership roll. She described St Catherine's as a larger parish with around 100 parishioners on a Sunday. She agreed with Mr. Cowper that her descriptions of "small" and "large" parishes were based upon the number of people and not on the size of a geographic region.

That ended the evidence for the diocese. The trial is now adjourned until Monday morning when the lawyers will make their legal arguments before Mr. Justice Kelleher for the week.

Please continue to be vigilant in prayer. There is still much work to be done before this trial is finished.

We need to uphold Mr Justice Kelleher while he reads:

- all of the 75+ affidavits that have been filed
- five transcripts of cross-examinations
- the various documents issued in this matter, including The Windsor Report, the Panel of Reference Report, the various Primates' Communiqués, and other Communion statements, as well as various constitutions, canons and bylaws.

May he not grow weary and may the truth become clear and a just result emerge.

Blessings,

Cheryl Chang