

CHANGES IN THE STRUCTURE, ORGANIZATION, AND GOVERNANCE OF THE  
EPISCOPAL CHURCH IN THE PAST SIXTY YEARS

It is a great honor, and I so esteem it, to have been asked by my alma mater to deliver the 1981 Johnson Lectures. I wish to express my appreciation to the Dean, the Very Reverend O. C. Edwards, and to Timothy <sup>Sedgwick</sup>~~Pfecker~~ and the Lecture Committee, for paying me this compliment.

A. "BY WHAT AUTHORITY?"

I must begin, however, by repudiating the descriptive title I have been given in the publicity for this event. It is a fact that I have been for seventeen years a member of the Historical Society of the Episcopal Church, and that I served for one year as the Vice-President and for another year as the President of the Society; but I have no academic credentials as a Church Historian. Indeed, I have no academic credentials in any field. My only advanced degree is a Doctorate in Sacred Theology, awarded me in 1957 by this Seminary -- and that is an honorary degree. The first Bishop under whom I served, who was also, incidentally, a graduate of this institution, the late Benjamin Dunlop Dagwell, used to compare an honorary degree to the tail of a pig: "It adds nothing to the weight, but a lot to the dignity."

I am essentially a generalist. Eighteen years of ministry have been spent as a parish priest, but more than half of my ministry

has been spent as a bureaucrat on the diocesan, provincial, and national levels. As such, I have had to equip myself -- by on-the-job experience -- in a number of fields: Christian Education, promotion, editorial work, canon law, legislative procedure. Concurrently with the activities for which the Church has paid me a salary, I have had the opportunity to develop the excellent grounding in Liturgics I received here from Percy Varney Norwood; for, by reason of my ex officio membership on the Standing Liturgical Commission (as Custodian of the Standard Book of Common Prayer), I have had the great experience of participating throughout in the process of Prayer Book revision that culminated in the Book of Common Prayer of 1979. In that same activity, the Hebrew I learned from Allen Diehl Albert and the Greek I studied under Sherman Elbridge Johnson and A. Haire Foster, have enabled me to participate productively in the translations of the Psalter and of the Canticles of the Office in the new Book.

As to the qualifications I have for addressing you today on the assigned subject, I can do no better than to cite an old catch phrase that originated in radio a long time ago, and that one heard wherever one turned. It was the irrefutable rejoinder to anyone who challenged one's veracity or accuracy in any matter. The phrase was, "VASS YOU DERE, SHARLEY?"

I was there: as a Deputy from 1946 to 1961, and as Secretary of the General Convention from 1962 to 1975. Since my retire-

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ment, I was present <sup>also</sup> at the Conventions of 1976 and 1979 as a lobbyist and consultant. But I was not only there as an observer, but by reason of my office I was an active participant in many of the ad interim Committees and Commissions that formulated legislative proposals, of which I was also the principal drafter. And always, after each Convention it fell to me to edit and publish the final products.

B. THE SUBJECT

The subject-matter of these lectures, "Changes in Structure, Organization, and Governance in the Episcopal Church in the Past Sixty Years" was not my idea: it was suggested to me in the original invitation from Timothy <sup>Selinger</sup> Pickering. I reacted with alacrity, because I realized that the starting point of the period, given the three-year pattern of Episcopal Church life, would be the General Convention of 1919, and I have long recognized that that date, unlike many traditional dates for the inauguration of historical periods, represents a true dividing point in the modern history of this Church. It marks the inauguration of processes that have transformed the Church from a congeries of relatively independent local Churches, united only by an infrequently meeting national legislature, a common book of worship, a mutually recognized ministry, and the as-yet-unrealized ideal of a common missionary strategy, into a truly national structure, with the capacity of formulating a consistent strategy and developing an effective tactic

for the carrying out of a unified response to its mission in the modern world. I hasten to add the caveat: "Not that (we) have already attained . . . , but (we) press on toward the goal of the upward calling of Jesus Christ."

I shall confine my attention today to three areas of "structure, organization, and governance" in the Church: the office of the Presiding Bishop, the Executive Council, and the General Convention. Other matters of great importance -- the Church Pension Fund, the two significant and far-reaching revisions of the Book of Common Prayer, and the admission of women into the ordained ministry of the Church -- lie outside our purview. The first of these achieved its essential shape and structure two years before our period began. The other two, significant as they are for our common life, relate rather to its quality than to its structure. All of them, also, have received extensive and adequate treatment elsewhere.

## I. THE OFFICE OF PRESIDING BISHOP

### A. THE SENIOR BISHOP PRINCIPLE

Upon its organization as a separate House of the General Convention, at the adjourned session of the General Convention of 1789, the House of Bishops adopted a rule under which the senior Bishop in point of consecration would become the presiding officer of that House, and the Right Reverend Samuel Seabury of Connecticut took the chair. Except for a brief period, from 1792 to 1804, when a substitute rule of rotation obtained, the seniority principle prevailed until the General Convention of 1919.

The original reference of the title Presiding Bishop was exclusively to presidency of the House of Bishops in session, and, indeed, for the first ten years, no duty other than that of presiding over the House devolved upon the incumbent. Beginning in 1799, however, the Church, by canonical action, assigned to the Presiding Bishop other functions: first, the duty, on behalf of the whole episcopate, to call special meetings of the General Convention; and then, successively, duties in respect of the consecration of Bishops, the presidency of the newly established Domestic and Foreign Missionary Society, and the formal confirmation of the resignations of Bishops.

The extent of, and the limitations on, the term was clarified by the following rule of the House of Bishops, adopted in 1832:

The senior Bishop present at any General Convention is the presiding Bishop in the House of Bishops.

The senior Bishop of this Church is the presiding Bishop for all other purposes contained in the Canons.

The senior Bishop of this Church present at any consecration of a Bishop is the presiding Bishop for that solemnity.

As late as 1900, there were strong objections, from time to time, to the use by Presiding Bishops of the style "Presiding Bishop of the Church" rather than "Presiding Bishop of the House of Bishops", though as early as 1820, Bishop White was addressed "The Rt. Rev. William White, D.D., presiding Bishop of the Protestant Episcopal Church in the United States" in official documents, being the consents of Bishops to the calling of the Special Convention of 1821. The style was used, the Journal notes, on the advice of counsel. Moreover, the Constitution of the Domestic and Foreign Missionary Society, adopted by that Special Convention, in Article IV thereof, provided that "The presiding Bishop of this Church shall be the president of the society."

The question of proper nomenclature was settled by the General Convention of 1901. In the complete overhaul of the Constitution adopted at that meeting, a new section was added to Article I., ~~designating~~ <sup>designating</sup> the Senior Bishop of the Church in point of consecration as the "presiding Bishop of the Church". The new section further specified that such Bishop must be one having

jurisdiction in the United States, and that the resignation of his jurisdiction would vacate the office. In the event of such resignation, or of the death of the incumbent, the next senior Bishop would automatically succeed, presumably without the option of declining.

Of the eleven senior Bishops who successively served as Presiding Bishop after the long incumbency of Bishop White, only two (Philander Chase of Illinois, 1843-1852, and Daniel Sylvester Tuttle, 1903-1923) were under 69 years of age when they entered upon their presidencies. Most were in their seventies; one (Ethelbert Talbot of Bethlehem, 1924-1925) was 86 years old when he succeeded Alexander Charles Garrett, 1923-1924, who had acceded to the office at the age of 91, being then the oldest Bishop of the entire Anglican Communion.

The matter of the age of the Presiding Bishop was a matter of concern from the first. Alexander Viets Griswold of the Eastern Diocese, who succeeded Bishop White in 1836, wrote to the Bishop of New York in that year:

I doubt the wisdom of making the oldest of our body the presiding Bishop. It is true, that his peculiar duties are not many, nor very important; but they are something; and by this rule they will frequently, as in the present instance, fall upon one, who resides far from the centre; rendering the discharge of them less convenient to him and to the Churches generally . . . . And, (as in the present

case also) these duties will often, if not always, fall upon one, who, by reason of old age, is least capable of performing them.

In 1856, Thomas Church Brownell of Connecticut (Presiding Bishop from 1852 to 1865), addressed his own diocesan Convention with these words:

Old age, and bodily infirmities have disqualified me for the performance of active labors; and a sense of decaying mental powers renders me diffident, even in giving counsel.

Yet, Bishop Brownell survived for another nine years, dying in 1865 at the age of 85.

Again, in 1887, Presiding Bishop John Williams of Connecticut (1887-1899) forcefully communicated his arguments against the seniority principle in a communication to <sup>a</sup>~~the~~ special meeting of House of Bishops. He reverted to the matter in connection with his report of official acts to the General Convention of 1892, as follows:

Some of my brethren may remember that, at a special session of this House held in Philadelphia in October, 1887, I ventured to address them on the subject of its presidency. At the last General Convention, a change was made in the Rules of Order, by which "the Presiding Bishop may assign to the Chairman of the House", who is also his Assessor, "any duties connected with his office, from which from



time to time he may be desired to be relieved". I most thankfully acknowledge the relief that has been afforded; and I should do violence to my own feelings, and be most ungrateful, did I not also acknowledge the constant and unvaried kindness with which the Bishop of Maine (the Rt. Rev. Henry A. Neely) has at all times come to my assistance.

But all this does not reach the point which, it seems to me, ought to be reached in this matter. The office of Presiding Bishop is the only one of which I know, that cannot under present arrangements, be declined. Whether he will or not, whatever may be his conditions physical or mental, he on whom this office falls is compelled to accept it. And only by death, deposition, or resignation of his jurisdiction, and that not "for reason of advanced age and bodily infirmities arising therefrom", can he resign it. I cannot see how these restraints can be regarded otherwise than as hardships. Nor can I help expressing the hope that some action may be taken by this House which will put an end to such an anomalous state of things.

In response to this poignant appeal, the House adopted resolutions permitting the Presiding Bishop to devolve all of his duties upon the Chairman elected by the House, and also providing that any Bishop could decline the office, or, having

accepted it, could resign therefrom.

The lengthy and convoluted process of achieving an elective Presiding Bishop was inaugurated by the General Convention of 1901, in response to a request from Thomas March Clark of Rhode Island (Presiding Bishop from 1899 to 1903) that the House of Bishops "take into consideration" making the office elective instead of leaving it to be determined by the simple fact of seniority. The Convention acted favorably on Bishop Clark's request, and proposed an amendment to Article I., in the following terms:

The House of Bishops, by a vote of a majority of all the Bishops entitled to a seat in the said House, shall elect one of the Bishops having jurisdiction within the United States, to be nominated for confirmation by the House of Deputies to be the Presiding Bishop of the Church. The Presiding Bishop shall hold office for three years.

The amendment failed of adoption by the next Convention, by reason of the non-concurrence of the House of Bishops. The Bishops did concur, however, in a resolution for the appointment of a Joint Committee to consider the matter and to report to the Convention of 1907.

The Joint Committee in 1907 recommended an amendment of Article I. in similar terms, which was, by concurrent action proposed to the next Convention for adoption. At <sup>that</sup> ~~the~~ Convention, the

House of Bishops amended and abbreviated the Proposed Amendment, and, the House of Deputies concurring, the new proposal was laid over until 1913.

In 1913 and again in 1916, the House of Bishops withheld concurrence because of discerned defects in the proposals: first, there was no provision for the specification by Canon of duties and term of office, and then, provision was lacking for succession to the office in the event of the death of the incumbent. These defects having been corrected, the Convention of 1916 proposed a refined amendment, and referred it to the Convention of 1919, at which time it was finally adopted. Although the Article has since been amended, the principle of a Presiding Bishop, elected by the House of Bishops and confirmed by the House of Deputies, was firmly established, and still prevails.

The present Article specifies the time at which an election is to take place (namely, at the General Convention next before the expiration of the term of the incumbent), it opens the choice to any Bishop of the Church (not restricting it to those having jurisdiction in the United States), it removes the requirement that he retain jurisdiction, and it provides for a special election between meetings of the General Convention, by the House of Bishops, with confirmation by a majority of the Standing Committees of the several Dioceses.

The adoption of the elective Presiding Bishop amendment, however,

did not at once effect the new arrangement. It was so framed as to take effect upon the expiration of the term of office of the incumbent, the Right Reverend Daniel Sylvester Tuttle, who had assumed the office in 1903. Bishop Tuttle was a staunch opponent of the change now adopted, on the grounds that, under the seniority rule, "God's Providence directly and without man's agency makes the Presiding Bishop". Although Bishop Tuttle was 82 years of age in 1919, he did not, nor was he required to, resign his office to permit the new arrangement to take effect. He continued to preside throughout the ensuing triennium, and into the next, dying on April 17, 1923. Until the General Convention of 1925, therefore, the old seniority rule obtained, and Bishop Tuttle was succeeded by Alexander Charles Garrett of Dallas, aged 91, who served eight months, to be succeeded, in turn, by Ethelbert Talbot of Bethlehem, who served out the balance of the triennium.

#### B. ELECTIVE PRESIDING BISHOPS WITH EPISCOPAL JURISDICTION

It fell to the General Convention of 1925, meeting in the midst of a heat spell in New Orleans, to choose the first Presiding Bishop. On October 13, on the fourteenth ballot, the Right Reverend John Gardner Murray of Maryland was chosen. Ostensibly, pursuant to the Rules of the House, the election was carried out in executive session, but confidentiality obviously did not obtain, because the city newspapers not only carried the news of the names of the nominees, but also the fact that fourteen

ballots were required to achieve a majority.

Bishop Murray entered upon his duties both as Presiding Bishop and as President of the National Council, on January 1, 1926, ~~the~~ the latter function having been performed since 1920, until there should be an elective Presiding Bishop, by an elected President of the Council (Bishop Gailor of Tennessee), elected by the General Convention for a term of three years. To enable Bishop Murray to perform his now greatly expanded functions, the Diocese of Maryland proceeded to elect a Bishop Coadjutor, so that Bishop Murray should be relieved of most of his diocesan responsibilities.

Bishop Murray, pursuant to the Constitution as it then obtained, was elected for a six-year term. However, on October 3, 1929, while presiding over the first regular interim meeting of the House of Bishops, he collapsed in the arms of his Assessor, Bishop Burleson of North Dakota, and died instantly. The senior Bishop of the Church, William A. Leonard of Ohio, assumed the chair, and called for a special meeting of the House to assemble in November of that year for the election of a successor.

The House met and chose Charles Palmerston Anderson of Chicago to fill out Bishop Murray's unexpired term. Despite the distance between Chicago and the Church's headquarters in New York, and in view of the interim nature of his term, Bishop Anderson decided against removing to New York. Whether he could have

fulfilled his duties effectively at that distance, even with the assistance of his Assessor, became moot when, at the end of January, 1930, Bishop Anderson succumbed to a heart attack and died.

Again, to Bishop Leonard, as senior Bishop, fell the duty of calling for a special meeting of the House of Bishops, which met in March of 1930, and elected James DeWolfe Perry of Rhode Island to serve out the remaining eighteen months of Bishop Murray's term. Bishop Perry was elected to a full six-year term in 1931, and was succeeded by the Right Reverend Henry St. John Tucker of Virginia on January 1, 1938.

During Bishop Tucker's incumbency, the term of office of the Presiding Bishop was changed from a fixed term of six years to one of undefined length, extending through the General Convention which follows his attainment of 68 years. Bishop Tucker's term should have ended at the General Convention of 1943. However, by a canonical change (rescinded in 1946) it was extended for an additional triennium.

In 1967, on the recommendation of the Mutual Responsibility Commission, the term was set at 12 years or the attainment of 65 years of age. This is the provision which now obtains.

The requirement of the original legislation that the Bishop to be elected be one having jurisdiction, and that he vacate the office if he resigns his jurisdiction, was seen at once to pose

severe problems: First, it laid upon a diocesan Bishop the now heavy responsibilities prescribed for the Presiding Bishop. Bishop Murray's Diocese at once proceeded to elect a Coadjutor to relieve the diocesan of most of his responsibilities in Maryland. Bishop Tucker already had a Coadjutor at the time of his election, and Bishop Anderson had a Suffragan. Rhode Island, however, had but one Bishop; so, to meet the situation in Bishop Perry's case, the General Convention in 1934 (after the first three years of his full term), enacted a canonical provision that the Presiding Bishop, while remaining the ex officio head of the National Council, would not exercise executive and administrative functions. These would be exercised by a President of the Council, elected by the House of Deputies and confirmed by the House of Bishops. The Convention proceeded to elect the Rt. Rev. Philip Cook of Delaware to the new post. For a triennium, therefore (and the experiment was abandoned by the next Convention), the Church had a bifurcated leadership. It has been said that the arrangement succeeded as well as it did (and it did not succeed very well at all) only because of the profound Christian love and basic humility of the two Bishops. Besides, it did not go to the heart of the matter, because while Bishop Perry was relieved of dual responsibilities, another busy diocesan was charged with the double duty. The experiment was abandoned after the single triennium.

Secondly, although the Convention of 1931 had made available for

election any Bishop of the Church, and permitted (but did not require) a diocesan Bishop to resign his jurisdiction, the absence of adequate financing for the Presiding Bishop per se, and the state of transportation of the time, the Canon, in effect limited the choice to diocesan Bishops (who would continue to be supported largely by their Dioceses), and to Bishops of smaller Diocese within easy reach of Church headquarters. Such Bishops, even when episcopal assistance was provided, became diocesans only in name.

The problem was the subject of discussion and proposed action through the early part of Bishop Tucker's incumbency. One solution that was suggested more than once, a solution attractive to many because of its ancient precedents, was the creation of a primatial see. A joint Committee to Consider a See for the Presiding Bishop was appointed, and it reported to several Conventions.

In 1940, the Committee recommended the adoption of an amendment of the first Article of the Constitution which was adopted on first reading, as follows:

Section 4. The General Convention may establish a See for the Presiding Bishop which may embrace the whole or any part of a Diocese now existing or hereafter formed. Once the See is so established, the Presiding Bishop shall exercise sole jurisdiction. If the See shall embrace any entire Diocese or the greater part thereof,



such Diocese shall elect an Auxiliary or Assistant Bishop. The Bishops of the Diocese, in which the See is located, or such Auxiliary or Assistant Bishop, shall have such powers and duties with reference to said See, as shall be prescribed by Canon or Canons, by which the status of such Auxiliary or Assistant Bishop shall likewise be defined. The General Convention may, at any time, abolish such See.

The amendment was duly proposed by the Convention, but was not adopted in 1943. The Joint Committee, however, was continued, and in 1946 it recommended that such a See be created in Arlington, Virginia. The Committee presented resolutions which would effect such action. The House of Bishops, after adopting a series of amendments and deleting a specific location, defeated the recommended amendment, and the Joint Committee was not re-appointed. The effort at the creation of a primatial See has not been resumed.

Earlier, in 1934, the General Convention, by resolution, had requested the Diocese of Washington to consider placing the official seat of the Presiding Bishop in the nation's capital, and, following favorable action by the Convention of the Diocese of Washington, the Joint Committee, in 1940, recommended the following action, which was adopted by concurrent action by the General Convention, as follows:

Resolved, (1) That the Cathedral at Washington be designated

as the seat of the Presiding Bishop; (2) That the Presiding Bishop be given a seat in the Cathedral commensurate with the dignity of his office; (3) That he be given the right to use the Cathedral for occasions incident to his office as Presiding Bishop, pursuant to action of the Cathedral Chapter.

Consequent to this action, Bishop Tucker was ceremonially installed in the National Cathedral on October 24, 1941, and all of his successors have been similarly seated. Bishop Tucker is reported to have commented humorously that now, like all Gaul, he "was divided into three parts". "Y'all know", he said, "that my heart is in Virginia, and my headquarters are in New York, and now they tell me that my seat is in Washington."

In 1943, while the deliberations of the Joint Committee were still in progress, the General Convention enacted the following amendment of the Canon, "Of the Presiding Bishop":

Upon the expiration of the term of the Presiding Bishop, the Bishop who is elected to succeed him shall tender to the House of Bishops his resignation of his previous jurisdiction, to take effect upon the date of his assuming office of Presiding Bishop, or not more than six months thereafter.

This action was taken over the objections and misgivings of many who argued that pastoral oversight and jurisdiction are inherent

in the Office of Bishop, and that the establishment of an episcopal office that is purely executive and administrative is without precedent in ecclesiastical history and tradition.

It is noteworthy, I believe, that Canada has since followed the lead of The Episcopal Church. Its ecclesiastical head, with the title of "Primate of the Anglican Church of Canada", has been relieved of jurisdiction. As someone has said, "If we err, we err in good company."

Although he was not required to do so, Bishop Tucker at once tendered his resignation as Bishop of Virginia, which was <sup>immediately</sup> ~~at~~ ~~once~~ accepted by the House of Bishops, in order to establish the principle embodied in the Canon.

It is said that every remedy has side-effects, great or small, good or bad, and this remedy for a serious problem of polity was no exception. Upon resigning as Bishop of Virginia, Bishop Tucker, of course, was no longer entitled to use the seal of the Diocese. He therefore had no seal of his own to affix to official documents, such as the Letters of Consecration of Bishops. For the balance of his tenure, Bishop Tucker is said to have sealed documents with a ten-cent piece. To deal with the situation, the Convention subsequently adopted an official seal for the Presiding Bishop. Blazoned in heraldic colors, the coat of arms was later established as the official flag of the Church.

#### D. THE METROPOLITICAL CHARACTER

It would be an interesting exercise to examine the Journals of the General Convention in this century to determine the number of times resolutions have been introduced, and defeated, to designate the Presiding Bishop of the Church as Archbishop, or Metropolitan, or Primate. I have not made such a search, but I can recall a number of instances just in the thirty years that I have been attending Conventions. To my mind, a change of nomenclature, even if desirable, is irrelevant; what is important is the scope, extent, and authority of the office.

Granted that the office of Presiding Bishop is a consitutional and canonical creation, having no theological, historical, or traditional precedents, and that it lacks the inherent properties which come with jurisdiction over a metropolitanical see; nevertheless, the Episcopal Church has, over the years, successively invested in the office elements which pertain to the metropolitanical character.

As I have read and reflected upon the literature, the following rights and duties are included in the primatial character:

1. The right to assemble the comprovincial bishops to meet with him;
2. The right of presiding over such assembly;
3. The right and duty to take order for the consecration of Bishops throughout the province, and to be the principal consecrator (in person or by deputy) in

such consecrations;

4. The right to exercise pastoral oversight of the Church, and especially over the comprovincial Bishops (however this right is defined or restricted);
5. The right to receive oaths of canonical obedience from the Bishops.

In my opinion, it is highly unlikely that this last right will ever devolve upon the Presiding Bishop. This Church, in its original Constitution, in Article VIII. thereof, established the principle that the canonical obedience of its Ministers (Presbyters and Deacons, as well as Bishops) is due to the Church itself, and not to an individual, either in his own person, or as an embodiment of a metropolitical Church. Liturgically, too, in the Ordinal, adopted in 1792, the wording of the "Promise of Conformity", which stands in the same place in the rite as does the "Oath of Due Obedience to the Archbishop" in the consecration service of the Church of England and other Anglican Churches, expresses the same principle:

In the Name of God, Amen. I, N., chosen Bishop of the Protestant Episcopal Church in N., do promise conformity and obedience to the Doctrine, Discipline, and Worship of the Protestant Episcopal Church in the United States of America. So help me God, through Jesus Christ.

So the Promise read in American Prayer Books until 1979. The present form is more exactly conformed to the wording of

Article VIII. of the Constitution, and is to be both read and subscribed by the consecrand in the sight of the assembly.

The first three of the elements listed above have been exercised by the Presiding Bishops for some time, by canonical action, or by Rule of the House of Bishops, or by custom; but they had not been defined, assembled in one place, or unambiguously expressed. The fourth, pastoral responsibility, had not been specified at all, and was exercised, if at all, only by ~~force~~<sup>force</sup> of personal character, or out of respect for the office. In at least two instances, during the 1960's, the exercise of pastoral care by the Presiding Bishop was rendered unavailable by the absence of any provision for initiative on his part, in situations of crisis, before they developed into matters calling for disciplinary action.

The amending, in 1967, of Canon 2, "Of the Presiding Bishop", brings together in one place, and clearly defines, the duties of the Presiding Bishop, under the rubric, "chief pastor of the Church", and it adds to the already existing duties, that of visitation.

The action of the 1967 General Convention was taken on the recommendation of the Mutual Responsibility Commission, which had been created by the previous Convention, and charged, among other matters, to "begin at once a radical study of our obedience to mission: a study of structure, theology of mission, and of priorities in decision". The Commission defined this assignment, as follows:

Resolved, That this Commission undertake a study of the office of the Presiding Bishop, the Executive Council, and the General Convention--their authority, duties, and the relationships between them--and that the aim of this study be such proposals for change as are deemed essential today by the Church's response to the living God.

The task was assigned to a sub-committee under the chairmanship of the Rev. David Thornberry of Ohio (subsequently Bishop of Wyoming), which identified its goal as being "Unity for Obedience". Beginning with the identifying of what the sub-committee termed "gaps" between the focal points of national leadership, the sub-committee developed a series of proposals with regard to the office of Presiding Bishop, in the developing of which, the sub-committee had not only the guidance of the Presiding Bishop himself (the Rt. Rev. John E. Hines), but of his two predecessors, Bishops Lichtenberger and Sherrill. The proposals were accepted by the full Commission, which recommended them to the General Convention.

The Convention adopted the following recommendations of the Commission:

1. That the Presiding Bishop be identified and canonically established as the chief pastor of the Church.
2. That the Presiding Bishop be charged with giving leadership in initiating and developing the policy and strategy of the Church. (This was amended in 1979 to clarify the

relationship between the Presiding Bishop and the Executive Council in this area.)

3. That he is to take order for the consecration of Bishops, when duly elected. (His role as chief consecrator was already spelled out in Canon III.14)
4. He shall, from time to time, assemble the Bishops of this Church to meet with him, and set the time and place of such meetings.
5. In respect of the General Convention, he is
  - a. to preside over the House of Bishops, and have the right of presiding over Joint Sessions of the two Houses;
  - b. to have the right of calling for Joint Sessions;
  - c. to have the right of recommending legislation to either House;
  - d. to have the right, on due notification, of appearing before and addressing the House of Deputies; (the appearance before the House by Bishop Lichtenberger in 1964, with a request to address the House, was viewed as being unprecedented and perhaps improper.)
  - e. to have the right to address the Convention on the state of the Church, which statement is to be considered and acted upon by both Houses;
6. That the Presiding Bishop (with the President of the House of Deputies) be ex officio member of every Joint Committee and Commission of the General Convention;



7. That he be charged with pastoral responsibilities in the Church comparable to those required of diocesan Bishops; namely, to visit every jurisdiction, for the purpose of
  - a. holding pastoral consultations with the Bishop or Bishops thereof and, with their advice, with the lay and clerical leaders of the jurisdiction;
  - b. Preaching the Word; and
  - c. Celebrating the Sacrament of the Lord's Supper;
8. That he have the right to speak God's word to the Church and to the world, as the representative of this Church and its episcopate in its corporate capacity.
9. That he have the right to issue Pastoral Letters in his own person; (Query: Would such Pastoral Letter be a motu proprio?)
10. That he be authorized to have personal assistants, funded from the General Convention budget.

The Convention also adopted the Commission's recommendation that the term of office be twelve years. The Commission stated that it would have preferred recommending ten years, but so long as the General Convention meets triennially, the term would have to be a multiple of three.

Three other recommendations of the Commission that did not commend themselves to the Convention were to provide that the Presiding Bishop be furnished with an Advisory Council elected by Convention, that he be elected by the General Convention in a Joint Session,

and that a successor to the incumbent Presiding Bishop be elected by the General Convention next before the expiration of the incumbent's term of office. This last would have established, in effect, the office of Presiding-Bishop-elect.

It is my opinion that by these amendments to the Canons, the Church has adequately and unambiguously established and defined the Presiding Bishop of the Church as a Primate, with metropolitical character and authority, irrespective of the title by which he is known.

## II. THE EXECUTIVE COUNCIL

The Rev. Dr. Edwin A. White, in his Annotated Constitution and Canons (1924), wrote concerning the Canon, then numbered Canon 60, which is now entitled "Of the Executive Council":

Canon 60 of the Canons of 1919, with the amendments made by the Convention of 1922, undoubtedly marks a greater change in the polity of the American Church than any other Canon ever enacted by General Convention, and is one of the greatest pieces of constructive legislation, if not the greatest, ever enacted by that body since the first General Convention of 1789.

The American Nation and the American Church both began their national life at precisely the same time. In the beginning, one was a Confederation of independent States, and the other, to some extent, a Confederation of independent Dioceses. In

both cases, there was a strong opposition to any form of centralized government. In each case, there was as little of executive authority provided for as conditions would permit. But the parallel between the Nation and the Church ceases soon after the beginning of each. Gradually, there was either granted to the executive branch of the National Government, or else was assumed by it, additional power and authority, until, today, we have one of the strongest forms of centralized governments in the world. But the Church did not keep pace with the Nation in this matter. The Church began her national life with practically no executive head, and with no central governing power, save only the General Convention, meeting once in three years, and whose functions were chiefly legislative, not executive.

Col. Jackson Dykman, who edited the second edition of White's work in 1954, reproduces the above statement, with two <sup>unfortunate</sup> editorial emendations, at the head of his exposition of the Canon, then numbered Canon 4, and the Rev. James Thayer Addison quotes it approvingly in his The Episcopal Church in the United States, 1789-1931 (1951).

All of these distinguished scholars wrote before the completion of the process that culminated with the establishment of a metropolitanical head of the Church. Without denigrating Dr. White's judgment, a modern commentator has to qualify it by assigning equal importance to <sup>the</sup> effect of the defining and enlarging of the rights, duties, and authority of the Presiding Bishop, which was

enacted by the General Convention of 1967. Indeed, the two are part of a single process by which the Church attained a firmly articulated central government under a fully empowered executive head--a process which will enable the Church to move resolutely and decisively, in concert with other Provinces of the Anglican Communion, to meet the opportunities and challenges of the modern age in its obedience to mission.

#### A. THE BACKGROUND

In 1919 there were three inter-diocesan agencies of the Church engaged in programmatic activities: the Board of Missions, which had been constituted in 1910 to supersede the Board of Managers of the Domestic and Foreign Missionary Society; the General Board of Religious Education, established in 1910; and the Joint Commission of the General Convention for Social Service, also created in 1910 to succeed the Joint Committee on Capital and Labor, which had been authorized in 1901. Each of these bodies had its own headquarters, a general secretary and other personnel, and each was appealing to the Church for a degree of financial support for its program. The first two, also, had a form of regional organization, with department secretaries, for communication, promotion, and information.

The process of unifying these disparate activities began with the reception and consideration by the General Convention of 1916 of a report of a Joint Commission on Missionary Organization and Administration, which had been created by the previous Convention.

Among other matters, the Commission recommended (1) That the General Convention recognize and assume its inherent responsibility for the missionary work of the Church, and (2) that the work of the Board of Missions, the General Board of Religious Education, and the Commission on Social Service be co-ordinated and unified.

The Convention, obviously, was not ready to make so radical a change in its structure, but it did take one action which was to prove a stimulus to the ultimate goal: it amended the Constitution of the Domestic and Foreign Missionary Society by adding a new Article requiring the Board of Missions, beginning with the Convention of 1919 to

submit a budget for the ensuing year, and a provisional estimate for each of the succeeding two years . . . The budget and estimate . . . shall be considered by the two Houses of General Convention in Joint Session assembled . . . for the consideration and disposition of such budget and estimate . . . and for the consideration also of general questions of missionary policy and action.

The effect of this procedure was to put the General Convention itself directly behind the appropriations and apportionments of the Board of Missions.

Although the report of the Joint Commission on Missionary Organization and Administration, recommending radical changes therein, made to the Convention of 1916, failed to be approved by that

Convention, it was obvious that there was a strong and growing sentiment in the Church that there ought to be a co-ordination of the missionary, educational, and social-service activities of the Church. Also, there should be a closer relation between the Presiding Bishop, especially when that officer should become an elected officer, and the several program activities of the Church. Added to the foregoing was the wide-spread recognition that the Board of Missions was no longer functioning as it ought, and that some different method of administering the missionary work of the Church must be found, if that work was to be successful in the future.

None felt this more strongly than did the officers of the Board of Missions, and especially its President~~s~~, the Rt. Rev. Arthur S. Lloyd; and none advocated a change in methods more urgently than they. Bishop Lloyd recognized that if any changes were to be made by the General Convention of 1919, a concrete plan, embodied in a Canon, must be presented to that Convention.

Accordingly, on his own initiative, and without other authorization, Bishop Lloyd assembled a committee composed of representatives from the Board of Missions, the General Board of Religious Education, and the Commission on Social Service, with the Chairman of the Committee on Canons of the House of Deputies (who, strictly speaking, in the interim of the General Convention, had no real status), for the purpose of formulating a Canon that would coordinate the different departments of the Church's work, uniting

them under one organization, of which the Presiding Bishop should be the chief executive, the actual as well as the nominal head. This joint committee prepared a proposed Canon which was introduced into the General Convention, and after having been amended by the Committees on Canons of the two Houses, was finally adopted.

The new entity, entitled "The Presiding Bishop and Council" came into existence on the first day of January, 1920, and, there being as yet no elective Presiding Bishop, the Rt. Rev. Thomas F. Gailor of Tennessee, who had served on the former Board of Missions, was elected President.

Three years of experience under the Canon of 1919 revealed, as was expected, a number of areas where amendment was desirable, and the General Convention adopted a new Canon that had been drafted by a special Committee of the Council itself. The new Canon embodied what had been found satisfactory in the Canon of 1919, and addressed the deficiencies that had been identified during the triennium. The most significant changes were the following:

1. Provision was made for the ad interim election of a President in the event of a vacancy.
2. The principle of rotation of membership of the Council was established--one half of the elected membership to be elected at each Convention.
3. Provision was made for the appointment of Secretaries by the President, subject to confirmation by the

Council; and the accountability of such Secretaries to the Presiding Bishop was affirmed.

4. The Council was given the power to undertake new work, the need for which might arise in the interim of General Convention.
5. The Council was charged with notifying the jurisdictions of the Church of their proportionate share of the General Church Program as adopted by the General Convention.
6. A "partnership plan", as between the several jurisdictions *and the national Church,* was enacted, by the adoption of a new section, reading,

Each Diocese and District shall . . . notify each Parish and Mission thereof of the amount of the quota allotted to such Diocese or District, and the amount of such quota to be raised by each Parish or Mission. If the Diocese or District *so determines, the quota allotted* to each Parish or Mission shall be the combined quota for General *and* Diocesan work. Each Diocese and District and the Parishes and Missions thereof shall then take necessary steps to raise their respective quotas.

Although a provision, substantially identical with the foregoing, minus the last sentences thereof, still stands in the Canon, it has been my personal observation that it has never been fully operative. In effect, the Executive Council notifies each jurisdiction of its equitable proportional share of the General Church



Program (and in adopting the General Church Program, the General Convention also approves a plan of apportionment), the several jurisdictions, usually in diocesan convention or diocesan council, decide what part of the General Church "asking" they will accept; and the Diocese in turn then seeks to get pledges from the local units to support both the acceptance of the General Church Program and of the diocesan program. Actually, therefore, the final decision is made by parish vestries. I have not been intimately in touch with performance in this matter since my retirement in 1975, but as of that time it had been my observation that the Church had never fully funded the program adopted by its representatives in General Convention.

The General Convention of 1934, in addition to initiating the experiment of having an elected President of the Council with executive responsibilities, in addition to a Chairman, in the person of the Presiding Bishop (an experiment abandoned three years later), took a step toward a broader representation on the Council, by providing that four (later increased to six) women be elected at each Convention for three-year terms, the women to be nominated by the Triennial Meeting of the Women of the Church. After the adoption of the constitutional amendment<sup>t</sup> permitting women to be seated as Deputies in Convention, the election of women as a special category in the membership of the Council was eliminated. Both lay women and lay men are now regularly elected by the General Convention.

A significant change was effected in 1937, by the elimination of a section of the Canon which prescribed the organization of the Council into named Executive Departments. This action made possible the creation of departments in charge of salaried staff persons, not composed of members of the Council, and <sup>it</sup> obviated the necessity of amending the Canon every time a change in the name of a department or division of the work of the Council was desired. At the present time, the Council is not organized in departments, but into three broad areas of mission: National and World Mission, Education for Ministry, and Church in Society, with three support groups--administration, finance, and communications. This is a far remove from the rigidity of the old department structure, which not infrequently gave rise to inter-departmental rivalry and competition, and ~~to~~ <sup>to</sup> empire building.

In 1964, the name of the National Council was changed to its present title, "the Executive Council". This action was taken in response to an urgent Memorial from the Council itself. The underlying reason for requesting a change was <sup>the</sup> avoiding of confusion and embarrassment<sup>y</sup>, as between the National Council of the Episcopal Church and the National Council of Churches of Christ in America, formerly known as the Federal Council of Churches.

Both bodies were familiarly referred to as "the National Council", and the similarity of names was causing confusion, in the minds of Churchmen and of the general public, especially as the National Council of Churches was so much the larger and more visible entity.

Moreover, there was growing uneasiness in the Church about some of the activities, pronouncements, and literature of the NCC--to such a degree, indeed, that the General Convention of 1961 had directed its Joint Commission on Ecumenical Relations to appoint a special committee of the Commission to prepare a report on the relationship of this Church with the National Council of Churches.

The report of the Joint Commission, as amended, was adopted by the Convention of 1964. It affirmed the continued representation of this Church in the NCC and recognized the values contributed by the divisions and departments of the NCC to the cognate departments of the Church's National Council, but expressed concern about its pronouncements, public statements, and news releases; its lobbying activities; and some of its educational material. The consideration of the foregoing report underlined the urgency of the Church's National Council's request for a change of name, and the Convention acted favorably in the matter, and amended Canon 4, by substituting the words "Executive Council" for "National Council" throughout. It took this action without waiting for constitutional action to change two passing references in Article VII. to the "National Council".

The Convention demonstrated its concern about ill-considered and irresponsible public statements, not only by bodies beyond its control, but by individuals and groups within the Church, including the Executive Council. On the recommendation of the House of Bishops' Committee on Social and International Affairs,

it adopted a statement on "Levels of Authority Within the Church", which, though it has recently been republished, is not widely known, and is reproduced here because of its continuing relevance to the operation of the Executive Council.

#### Levels of Authority Within the Church

It is the historic right and the undoubted duty of the Christian man and of the Christian Church to declare the Gospel of Jesus Christ and to witness to that Gospel in every phase of human life and activity. The Church in so speaking rests upon the authority given to it by the Lord Christ. The Christian speaks out of faith and conscience. Both the Church and the Christian are, we pray, obedient to the Holy Spirit.

But in so speaking, individual Christians and bodies of Christians within the Church should speak out of the context of their own levels of authority and responsibility. There is an obligation in our mutual interdependence within the Body of Christ that calls for appropriate restraint lest any statement or action seem to claim authority that it does not possess.

1. The Protestant Episcopal Church accepts as its authority the Holy Scriptures, the Nicene and Apostles' Creeds, and speaks through the Book of Common Prayer and the Constitution and Canons of the Church. The Protestant Episcopal Church speaks also

through the Resolutions, Statements, and actions of the General Convention. In these ways, the Church speaks at the highest level of responsibility for the Church, to the Church, and to the world.

2. Similarly, the House of Bishops, as the Fathers in God of the Church, speaks corporately to the Church the mind of its Chief Pastors. Further, each Bishop may speak as an apostolic Shepherd within his own jurisdiction, yet with a sense of mutual responsibility to his episcopal brethren and with faithfulness to the teaching of the Church.
3. In the interim of General Convention, the Presiding Bishop and the Executive Council are the responsible representatives of the Church, granted authority to implement the statements and actions of General Convention and of the House of Bishops. When, in the course of the fast-moving events of life today, it is not possible to await a meeting of General Convention, it is the duty of the Presiding Bishop and the Executive Council to speak God's word to his Church and to his world.
4. At a lesser level of responsibility and authority, the officers and staff of the Executive Council may from time to time, speak their own Christian mind, after consultation with the Presiding Bishop, in areas of great concern in which General Convention has not acted.

Such statements or actions should not be interpreted as the will of the whole Church, but as that of the individuals and groups directly responsible.

The official bodies of the Church alone can commit the Church. But the right of voluntary and unofficial associations of members of the Church, as they are led by conscience to act and to apply Christian principles in specific fashion to concrete situations, is recognized.

In encouraging such witness, we urge that groups and individuals will identify their private character and not appear to assume authority which is not possessed. Unofficial groups and individuals also bear responsibility to the Church of which they are a part.

The Holy Spirit of God is not to be bound. Yet the Church must act with a sense of order within itself, that God's word be spoken effectually to God's world and in charity within its own fellowship.

The Mutual Responsibility Commission, in its concern for the establishment or the strengthening of relationships between the three foci of ecclesiastical leadership, recommend<sup>ed</sup> to the General Convention of 1967 several changes with regard to the Executive Council which were, in the main, adopted, *as follows:*

1. That the President of the House of Deputies be ex

officio a member of the Council, and serve as its Vice-Chairman.

2. That from the membership of the Council, one member be appointed, as a liaison, to each Joint Commission of the General Convention.
3. That the Council render a full accounting of its activities to each meeting of the General Convention, such accounting to be not merely, or even mainly, financial: it includes the right of the Council to present its recommendations for program and budgeting directly to the General Convention, and not only through the intermediary of the Joint Committee on Program and Budget.

The Commission's recommendation that the Council be responsible to act on behalf of the General Convention in the interim thereof was greatly amended to read, "to carry out the program and policies adopted by the General Convention". It was felt that *the* Commission's <sup>original</sup> recommendation would confer quasi-legislative powers on the Council.

With these changes, enacted in 1967, the Executive Council was established with substantially the form of organization and structure, and with the powers and authority, which it now possesses.

### III. THE GENERAL CONVENTION

#### A. WOMEN AS DEPUTIES

From its inception until 1970, the General Convention of the

Episcopal Church was an exclusively male preserve. A proposal to admit women as Deputies was, indeed, made in 1925, but it received short shrift, and did not surface again until well within the period covered by this paper.

The movement which ultimately proved successful was inaugurated by the presentation of her credentials to the House of Deputies in 1946 by a woman who had been elected a Deputy by the Diocese of Missouri. The Secretary of the House of Deputies, my distinguished predecessor, the Rev. C. Rankin Barnes, and the Committee on Credentials of the House of Deputies, were obviously taken by surprise, and, at their request, the matter was referred to the Committee on Amendments to the Constitution for a ruling. The Committee, lacking the opportunity for a thorough review of the question, recommended that the Deputy be seated, "without prejudice". She was accordingly seated with her Deputation in the front row of the Irvine Auditorium in Philadelphia throughout the Convention. I do not recall that she was appointed to any Committee of the House, and I can testify that her voice was not heard in any of the debates that took place at that Convention, which dealt with the sensitive matters of entering into an agreement with the Presbyterian Church to work toward organic union, and with the proposal to undertake a new program of Christian Education, which eventuated in the "Seabury Series". I sat in this Convention as a first-time Deputy.

It being widely reported in the Church press that at least two



women Deputies-elect would present themselves to be seated in 1949, all was in readiness. The question of the women's eligibility was at once referred to the Committee on Amendments to the Constitution, which reported that the first Article of the Constitution, by the use of the term "Laymen" was to be interpreted as meaning lay persons of the male sex, and recommended that the Deputies-elect <sup>be adjudged</sup> ~~were~~ not eligible. The House voted not to seat them as Deputies, but to accord them courtesy seats. The women refused the compromise. Later in the meeting, the Convention defeated a motion to propose an amendment of the Constitution to change the wording from "Laymen" to "Lay Persons". The Convention did, however, approve the appointment of a <sup>^</sup>Joint Commission to Consider the Problem of Giving the Women of the Church a Voice in the Legislation of the General Convention. <sup>v</sup>

That Joint Commission reported to the Convention of 1952, and presented, without recommendation, a resolution to amend the Constitution so as to provide that the lay Deputies of a Diocese or Missionary District might be men and women, or a man and a woman, respectively. The report of the Commission concluded with the statement,

. . . after careful consideration . . . this Commission states that it believes there is no distinction in principle between men and women as lay persons in the Church.

The suggested amendment being moved, it was passed in the clerical

order, but defeated in the lay order.

In 1955, a resolution was moved to amend Article I. of the Constitution by substituting "Lay Persons" for "Laymen" and "Lay Person" for "Layman". On a vote by orders and Dioceses, the measure was defeated in both orders. The same measure met with the same fate *and by even larger margins.* in the Conventions of 1958 and 1961.

↑  
In 1964, in response to Memorials from five Dioceses, one each from the First, Second, Third, Fourth, and Eighth Provinces, the measure was again put to the vote in the House of Deputies. It passed handily in the clerical order, but was again defeated (though by a smaller margin than on previous occasions) in the lay order.

By 1967, obviously, the Church (or at least the House of Deputies) was prepared to take the radical step, which, in retrospect, seems to natural and right. In that year, the legislative Committees on Amendments to the Constitution and on Structure, and the Joint Commission on Structure, all recommended passage of the proposed Amendment, responding, on this occasion to a dozen Memorials from every part of the Church. Since the recommended action was to propose an amendment, it did not require a vote by orders, and, surprisingly, in view of the previous history, a vote by orders was not called for. The House of Deputies passed the measure, and the House of Bishops concurred. An accompanying resolution was likewise adopted, providing that, if the proposed amendment were to be adopted at the next Conven-

tion, it take effect immediately, rather than at the normal time (the following January), which would, of course, delay the seating of women Deputies until the Convention of 1973.

The proposed amendment, together with its "take-effect-immediately" addendum, was reported out of Committee in the House of Deputies early on the first day of the 1970 General Convention. The President, in view of the historic nature of the action, called for a viva voce vote by roll call, instead of by the electronic method then normal. The result of the vote was virtually unanimous in the affirmative in both orders. One lay deputation asked to be polled, with the result that there were two negative votes cast, and, there being only three Deputies from that Diocese seated (the fourth would have been a woman), the vote of the laity was cast as "No".

The House of Bishops acted with similar dispatch, and upon receiving the Message from that House notifying the Deputies that the Bishops had concurred, the Deputies' Committee on Credentials reported the seating of 29 women Deputies. At the invitation of the Chair, the newly seated women were escorted to the front of the Chamber by other members of the deputations. When all were assembled, the President, addressing the House for the first time with the words, "Ladies and gentlemen", introduced the chosen spokesman of the group who addressed the House briefly.

As one who, either as a Deputy or as an officer of the House of Deputies, was present through all of the sessions of the House

(except that in 1949) where this matter was discussed and acted upon, I can testify that on no other subject with which the House was engaged during this period was the debate of lower quality or more repetitive. By the end of the period, one could pretty well anticipate who was going to speak to the question, and what he was going to say. More than once, unfavorable action on seating women was taken on the day following the presentation of the United Thank Offering, with its impressive evidence of the importance of the women of the Church, to which Presiding Bishop Lichtenberger alluded in his "more in sorrow than in anger" message to the House of Deputies in 1964.

#### B. EQUALITY OF JURISDICTIONS

The General Convention of 1961 authorized the appointment of a Joint Committee to study the nomenclature and status of Missionary Districts, their representation in the House of Deputies, and relationships with other Dioceses and Provinces. The Committee met throughout the ensuing triennium and arrived at certain basic principles, as follows:

1. Every element of the Church's life must be seen as being engaged in mission.
2. To restrict the descriptive title "missionary" to a limited number of jurisdictions is misleading and inaccurate, and is, indeed invidious in respect of other jurisdictions not so denominated.
3. The old criterion for distinguishing between Dioceses and Missionary Districts; namely that the former were

self-supporting, while the latter derived much, if not all, of their support from the missionary funds of the Church, had largely broken down in the face of revolutionary changes in the nature of mission. For example, in the 60's there were several "aided Dioceses", and there was no Diocese in the Church but was receiving some missionary funds, if only for special programs, such as work with the Armed Forces or college work.

4. That a number of Missionary Districts were larger in area, and contained more communicants and baptized members than some of the Dioceses.
5. That at a time when the Anglican Communion was moving in the direction of interdependence and common missionary strategy, the maintaining of a portion of this Church in a state of dependency, and, in effect, colonialism, was an anachronism.

The Joint Committee recommended to the Convention of 1964 the amendment of every Article of the Constitution, except Article IV., to provide that all jurisdictions in the Church known as Missionary Districts be known as Dioceses, that they be governed by the Canons relating to Dioceses, without distinction, and that their Bishops be recognized as diocesan Bishops. The Committee noted that they recognized that the adoption of these amendments, and of the Canons which would subsequently have to

be amended to conform thereto, would result in an increase in the membership of the Houses of Deputies estimated at 156. They regretted that result, but stated, "We would prefer even this massive increase in membership to the present inequality of representation."

One member of the Committee filed a minority report, and recommended, instead,

1. That the only amendment be to change the words, "Missionary Districts", wherever they occurred in the Constitution to "Missionary Dioceses", leaving unchanged their present powers and duties.
2. That the representation of the missionary jurisdictions in the House of Deputies be increased from one to two in each order.

The report of the Joint Committee, and the Minority Report, were introduced first in the House of Bishops, and, on the recommendation of its Committee on the Constitution, the House adopted the resolution proposed by the Committee. In the House of Deputies, the Committee on Amendments to the Constitution recommended non-concurrence on the grounds, (1) that the proposals required extensive editorial work, and (2) that the Message from the House of Bishops was received so late in the session that there was not time either for the careful draftsmanship required, or for the consideration and debate which such important changes in the structure of Missionary Districts and in the composition of the House of Deputies demanded. The House of Deputies did not concur.

However, the Convention did adopt the following resolution, initiated by the House of Deputies:

1. That it be recorded as the sense of this Convention that no constitutional nor canonical distinction should be made between Missionary Districts and Dioceses.
2. That this matter be submitted to the Joint Committee on Structure of the General Convention and Provinces for implementation and for report to the General Convention of 1967.

In 1967, the complicated series of amendments was recommended by the Joint Commission on Structure. The action at this Convention originated in the House of Deputies, to whose Committee on Amendments to the Constitution the matter was referred. That Committee amended the original proposals in a number of particulars and recommended the amended resolution to the House. A further amendment was made in the course of the debate--to give equal representation in the House to overseas jurisdictions. As thus amended, the measure was put to a vote and was adopted. The House of Bishops concurred, and the proposed amendments were referred to the Convention of 1970 for final action.

In addition to providing for a change of status of domestic Missionary Districts (from Missionary Districts to Dioceses), and a change of nomenclature for overseas jurisdictions, from

Missionary District to Missionary Diocese, the proposals included provision for new entities to be known as "Associated Dioceses", as a step toward the formation of an autonomous Province of the Church (the three jurisdictions each in Mexico and the Philippines were particularly in view), and of "Associated Provinces", as a further step toward full autonomy. These provisions had been suggested by the Anglican Executive Officer, the Rt. Rev. Stephen F. Bayne, Jr., and were largely drafted by him. The purpose, of course, was to establish an orderly progression from the status of an overseas dependency of the Church in the United States to that of an autonomous and autocephalous unit in the Anglican Communion, either by the association of former Episcopal Church missionary jurisdictions in a provincial organization, or by the incorporation of one or more of such jurisdictions into an existing Anglican Province, and during the transition.

When the proposals came before the House of Deputies in 1970 (they having been already adopted by the House of Bishops) the sections dealing with Associated Dioceses and Provinces proved to be highly controversial. In order, therefore, that the non-controversial parts of the total series not be held up for another triennium, the question was divided into two "packages". The package dealing with existing Missionary Districts in the United States and overseas was adopted; the other package was not.

In the debate on the latter package, the chief opposition came



from a lay Deputy from Liberia and a clerical Deputy from Puerto Rico. The former was convinced, and could not be shaken in his conviction, that the proposals were deisgned to abolish the full membership of the Church in Liberia in the American Church and to push it into association with the Church in the Province of West Africa, by which the missionary jurisdiction is surrounded. The highly emotional arguments of the Puerto Rican Deputy appeared to be the reflection of island political situations. He was, and is, a staunch opponent of the commonwealth status of Puerto Rico, being an advocate of the independence of the island, and the very word "commonwealth" is anathema. Since "commonwealth" translates into Spanish as "Estado Asociado", namely, "Associated State", his objections to the proposal for the establishment of "Associated" Dioceses and Provinces can be understood. N

Ironically, the General Convention of 1979 entered into covenants with both Liberia and Puerto Rico which established relationships that are very similar to those proposed in 1970, with the Episcopal Church in Liberia already an Associated Diocese of the Church in the Province of West Africa, and the Puertorican Episcopal Church proclaiming its ultimate intention to join with other nearby Anglican Dioceses in an autonomous Province.

The amendments to the Constitution adopted in 1970 did not become effective until the first of January, 1971, but, again to obviate unnecessary delay in implementing the changes in domestic missionary jurisdictions, all of the Missionary Districts with-

in the territory of the United States (including, specifically Alaska and Honolulu, though they are not contiguous) were accepted into union with the General Convention as of the date the amendments became effective, and their Bishops were given the option of becoming diocesans. All but one chose to do so, the exception being the Rt. Rev. William Davidson of Western Kansas, who announced that now that his jurisdiction had the right of choosing its own Bishop, he wished to give it that right at once. At the first diocesan Convention of Western Kansas, Bishop Davidson was elected the first diocesan.

The wording of the resolution had some ambiguity, because both the American Virgin Islands and Puerto Rico are, in some sense, "within the territory of the United States", and a search revealed that even so high an authority as the Supreme Court has ruled contradictorily in the matter. There being no sure authority, therefore, the Executive Council and the General Convention have continued to treat them both as Missionary Dioceses.

The Constitution having been amended as set forth above, there remained the detailed work of conforming the Canons to the new situation. The task was assigned to a Committee composed of the Chairmen of the Committees on Canons of the two Houses, and to me, as Secretary of the General Convention. The major work was done by the Rt. Rev. Paul Axtell, but I am proud to have a hand in it. The schedule of changes was presented to

the General Convention of 1973 and was adopted.

### C. MATTERS STILL UNRESOLVED

Two matters that have engaged the attention of successive General Conventions throughout the period of this paper have still not been resolved: <sup>a</sup> reduction in the size of the House of Deputies and the counting of a divided vote.

The first of these arises out of the increasingly unwieldy size of the House of Deputies, which was greatly exacerbated by the granting in 1970 of diocesan status to all Missionary Districts in the United States and the concurrent granting to all missionary jurisdictions overseas of representation equal to that of Dioceses. Also contributing to the increase was the number of Diocesan divisions. In 1970 there were 84 Dioceses entitled to full representation (four clerical and four lay Deputies), and 24 Missionary Districts, each entitled to one Deputy in each order, for a potential membership of the House of 720. In 1979, there were 114 Dioceses and Missionary Dioceses, each entitled to eight Deputies, so that the potential membership of the House was 912: the actual registered membership was 864, because not all Dioceses sent their full complements. In 1979, two new Dioceses were created, El Camino Real in California and Western Louisiana; and "I see by the papers" that the Diocese of Tennessee is in the process of cell division with a veiw to there being three Diocese in that State. Thus there is a potential membership of the House of

Deputies in 1982, provided no other Diocese divides, of 946. Such numbers, in a body meeting for no more than ten or eleven days, render deliberate action on issues difficult, if not ~~well-nigh~~ impossible. Only the development of a strong legislative Committee process in recent Conventions has prevented absolute chaos. There is, however, an upper limit of productive size of Committees, and although some of the 24 Committees exceeded that limit, only about 55% of the Deputies had Committee assignments.

Two solutions have been offered: proportional representation and across-the-board reduction in the size of diocesan Deputations.

Proposals to make representation in the House of Deputies proportional to the number of communicants in a Diocese have been offered again and again by the Joint Commission on Structure. It was advocated not only as a means for the reduction of the size of the House, but also as an expression of the one-man/one-vote principle which obtains in the political sphere of the nation. It has been roundly defeated on each occasion, chiefly on the grounds that the polity of the Episcopal Church is that of a federal union of equal Dioceses.

To achieve proportional representation would require an amendment of the Constitution. To reduce the number of Deputies to which a Diocese is entitled could be effected by a simpler amendment of the Canons, since the Constitution says only that each Diocese

is entitled to be represented by not "more than four Presbyters . . . not more than four Lay persons".

In the House of Deputies, in 1973, the House of Deputies' Committee on Structure, and in 1976 and 1979, the Standing Commission on Structure, recommended the amendment of the Canons, by the adoption of a new Section, specifying that the representation of each Diocese and Missionary Diocese be three Deputies in each order. The accompanying rationale offered by the Standing Commission on Structure is of particular interest, because it represents a radical change from its previous consistent advocacy of the principle of proportional representation:

In making our new study we have become persuaded that our recommendation at Louisville, while well-intentioned, was directly contrary to the polity of the American Church. So long as the Church remains (as stated in the Preamble to the Constitution) "a Fellowship . . . of . . . Dioceses," it is Constitutional, proper, and entirely fitting that the vote and the representation of every Diocese be precisely equal to that of every other. Proportional representation (which would not in fact have been achieved by our 1973 recommendation or by any other system, given the existing variations in communicant strength) is theoretically desirable in a representative democracy. But the American Church, while adhering to democratic principles, is nevertheless not a democracy, but is instead a fellowship of equal Dioceses.

The Conventions in Louisville, Minneapolis, and Denver, however, successively defeated the proposal. One reason that was adduced was that by reducing the size of the deputations, those persons who had received the lowest number of votes in diocesan Conventions would be the ones eliminated ("last hired, first fired"), and that such persons were more likely than not to be members of minority groups or women.

The second unresolved matter is the question of the effect of a divided vote of a deputation in a vote "by orders and Dioceses". Since the Constitution provides that in such a vote a measure can only pass if the total of affirmative votes (each Diocese having one vote in the clerical order and one vote in the lay order) exceeds the sum of all other votes by at least one whole vote, and since the number of persons in each order in each deputation is four, the possibility exists that two persons will favor and two oppose any given measure. The decision in such a case must be recorded as "divided". Since, also, a divided vote is certainly not an affirmative vote, it must be added to the negative votes in the tally so as to determine the result.

Dissatisfaction with the foregoing state of affairs surfaced in 1925, and a proposal was offered to count divided votes as one-half in the affirmative and one-half in the negative. The House of Deputies' Committee on Amendments to the Constitution reported unfavorably, and was discharged from further consideration of the matter. The proposal was re-introduced by the same

Deputy in 1928, and again the Committee on Amendments reported unfavorably, and was again discharged.

In 1934, the House of Deputies voted to propose an amendment to effect such a solution, but the House of Bishops failed to act on the matter, and it failed for lack of concurrence.

In 1943, it was proposed to count a divided vote as an abstention, in effect not reckoning it in the final tally. The Committee on Amendments to the Constitution, instead, recommended the one-half affirmative, one-half negative plan. The measure was tabled.

In 1946, the Convention, by concurrent action, proposed the 50-50 plan, for final action in 1949, but when it came to vote in that Convention, in the House of Deputies, it was defeated by a narrow margin, which would not have been different if the proposed measure had been in effect.

Again, in 1970, the Convention proposed the amendment, and in 1973 it was again defeated in the House of Deputies. And there the matter rests.