



THE DIOCESE OF SAN JOAQUIN

ANGLICAN CHURCH IN NORTH AMERICA

4159 E. Dakota Avenue • Fresno, California 93726-5227 • (559) 244-4828 • Fax (559) 244-4832

Date: August 18, 2014

To: The Anglican Diocese of San Joaquin
From: The Rt. Rev. Dr. Eric Vawter Menees
Re: Final Judgment and Decision to Appeal

Brothers and Sisters of the Diocese,

I write today to inform you that the final paperwork has been submitted to Judge Black of the Fresno County Superior Court in the case known as the *Diocese of San Joaquin v. Schofield*. We expect a final judgment will be issued within a few days. Judge Black ruled in favor of The Episcopal Church (TEC) based, I believe, on deference to TEC as a hierarchical church rather than the neutral principles of law analysis required by our State Supreme Court. Judge Black's decision awards all of the property to TEC. In sum, TEC has been handed more than \$40 million of property although it has paid nothing for the properties' acquisition, upkeep, and maintenance over the past 50 years.

After a great deal of prayer, discussions throughout the diocese, and consultation with bishops across the province I HAVE DECIDED TO APPEAL THIS DECISION to the Fifth District Court of Appeals, which already reversed this case once in our favor in 2009.

Negotiations

My decision follows a meeting with Bishop Rice, the provisional bishop of the Episcopal Diocese of San Joaquin, and his lawyer on May 22nd in the Chapel of the Holy Innocents at St. James Cathedral. At that meeting I sought, once again, a negotiated settlement which would have allowed us to keep our church properties as a platform for ministry. Bishop Rice conferred with Presiding Bishop Schori who responded quite clearly: No negotiations for the property and no sale to Anglican Churches.

This was not the first time we attempted to negotiate. We have repeatedly sought a negotiated settlement and the response has been the same every time - "We'll negotiate on the time for you to leave and possible rental back, but nothing else."

History

Since it's founding in 1961, the Diocese of San Joaquin has identified herself as an orthodox Anglo-Catholic diocese. This has been evident in our adherence to the Word of God and the traditional faith as received throughout the ages. This has meant that over the years we have disagreed with the new teachings of TEC's leadership regarding the doctrine of salvation, the role and authority of the scriptures, and the sanctity of life, among other serious moral and theological issues. The Diocese of San Joaquin saw herself firmly in TEC and sought to work using the



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democratic process to effect change, trusting that TEC would not require the Diocese to accept, or act upon, anything that we felt we could not in good conscience adhere to and which was not in good catholic order and belief. Sadly that proved not to be the case.

Upon the election of Bishop Schori as Presiding Bishop, there was widespread concern across the Diocese because her preaching and teaching strayed from the faith once delivered.

Still desiring to stay within TEC, we applied for alternative primatial oversight. Bishop Schori agreed to such a plan, along with all the other leaders of the worldwide Anglican Communion at a 2007 meeting held in Dar es Salaam. However, when Bishop Schori returned to the USA, TEC's House of Bishops repudiated the plan, which became the basis of Bishop Schori's reneging on her agreement with the Primates of the Anglican Communion to allow alternative primatial oversight. This resulted in making the internationally agreed upon plan unavailable to the Diocese of San Joaquin, under TEC.

Feeling that there was no option for us outside of separation, we sought a negotiated settlement allowing the Diocese to withdraw from TEC and come under the oversight of the Archbishop of the Southern Cone. Following our governing documents and the laws of the State of California, our Annual Convention passed measures by an overwhelming 90% vote to change our spiritual affiliation from TEC to the Province of the Southern Cone with direct primatial oversight from Archbishop Gregory Venables of Argentina.

Those congregations that did not want to stay with the Diocese of San Joaquin under the primatial oversight of Archbishop Venables were permitted to disaffiliate from the Diocese and keep all of their property with the blessings of the Diocese and Bishop Schofield. Seven congregations chose to leave the Diocese of San Joaquin and form their own organization. Not satisfied with keeping their own property, these congregations united with TEC and filed a lawsuit in 2008 to seize the property of the 90% majority that voted to stay true to the Diocese's Anglo-Catholic heritage and join the Southern Cone. We have been in litigation to keep our property continuously since 2008.

In January of 2014 the case went to trial and, as noted above, Judge Black ruled in favor of TEC in June. Following the example of St. Paul who appealed the decision of the Roman Procurator, Festus, (Acts 25) so too I will be making an appeal to the Fifth District Court of Appeals. I have directed our legal counsel to pursue the appeal. The appropriate paper work will be filed with the appellate court shortly. It is my hope and prayer that the appellate court will review the case using a neutral principals of law analysis which will demonstrate that in leaving TEC we followed all of their canons and all of the laws of the State of California.

Request for Prayer & Support

I bid the Diocese of San Joaquin to join me in prayer. Prayer for Bishop Rice and the Episcopal Church that they may turn from continued prosecution of the Diocese of San Joaquin for our refusal to accept their change in doctrine. Prayer that they will come to the table for real and meaningful negotiations and take the dispute out of the hands of the civil courts. Prayer for me as your bishop, that God will grant me the wisdom and discernment that will most assuredly be



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needed in the coming weeks and months. Most importantly join me in the prayer of Jesus, "...not my will, but yours be done." (Luke 22:42)

I also bid that you prayerfully consider financially supporting our appeal with a gift to the legal defense fund.

May the Lord bless you and keep you. The Lord make his face to shine upon you and be gracious unto you. The Lord lift up his countenance upon you and grant you peace!
(Numbers 6:24-26)

Faithfully,

+ *Eric Menees*

The Rt. Rev. Dr. Eric Vawter Menees