

# Solemn Declaration and Constitution of the Anglican Church in America

## Solemn Declaration

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## SOLEMN DECLARATION

In the Name of the Father, and of the Son, and of the Holy Ghost, Amen.

WE, the Bishops, together with the Delegates from the Clergy and Laity of the Anglican Church in America assembled in General Synod, make the following Solemn Declaration:

WE declare this Church to be, and desire that it shall continue in full communion with the Traditional Anglican Communion throughout the world, as an integral portion of the One Body of Christ composed of Churches which, united under the One Divine Head and in fellowship of the One Holy Catholic and Apostolic Church, hold the One Faith revealed in Holy Writ, and defined in the Creeds as maintained by the undivided primitive Church in the undisputed Ecumenical Councils; receive the same Canonical Scriptures of the Old and New Testaments, as containing all things necessary to salvation; teach the same Word of God; partake of the same Divinely ordained Sacraments, through the ministry of the same Apostolic Orders; and worship One God and Father through the same Jesus Christ, by the same Holy and Divine Spirit who is given to them that believe to guide them into all truth, to hold and maintain the doctrine, Sacraments, and Worship of the Traditional Anglican Communion.

AND WE are determined by the help of God to hold and maintain the Doctrine, Sacraments, and Discipline of Christ as the Lord hath commanded in His Holy Word, and as the Traditional Anglican Communion hath received and set forth the same in the 1928 American Edition of the Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, together with the Psalter or Psalms of David, pointed as they are to be sung, or said in Churches, and the Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests, and Deacons; and in the Thirty-nine Articles of Religion of 1801, the Affirmation of St. Louis of 1977, and the Concordat of the Traditional Anglican Communion of 1990, and to transmit the same unimpaired to our posterity.

ARTICLE I - Of General Synod

Section 1. There shall be a General Synod of this Church, consisting of the House of Bishops, the House of Clergy and the House of Laity; and in all deliberations, freedom of debate shall be allowed. Any House may originate and propose legislation, and all acts of the Synod shall be adopted and authenticated by all the Houses.

Section 2. Each Bishop of this Church having jurisdiction, every Bishop Coadjutor, every Suffragan Bishop, and every Bishop who by reason of advanced age or bodily infirmity, or who, under an election to an office created by the General Synod has resigned his jurisdiction, shall have a seat and a vote in the House of Bishops. A majority of all Bishops entitled to vote, exclusive of Bishops who have resigned their jurisdictions or positions, shall be necessary to constitute a quorum for the transaction of business. Every other Bishop of this Church shall have a seat in the House of Bishops, but shall have no vote.

Section 3. The Metropolitan Bishop of this Church most senior in respect to the order of his accession as Metropolitan of his Province shall, during his tenure as Diocesan and Metropolitan, be the Primate of this Church, the Presiding Bishop of the House of Bishops, the President of the General Synod, and the Chairman of the Executive Council; provided, however, that the first Primate under this Article shall be appointed from among the Metropolitans by the House of Bishops, with the consent of the House of Clergy and House of Laity. But if there shall be a vacancy in the Office of the Primate at a time when there is also a vacancy in the Office of Metropolitan of the other Province, the Bishop with jurisdiction most senior in the order of his consecration as Bishop shall act as Primate until the said other Province shall have a Metropolitan, whereupon that Metropolitan shall be the Primate.

Section 4. The Church in each Diocese which has been admitted to union with the General Synod shall be entitled to representation in the House of Clergy of not more than eight Presbyters, canonically resident in the Diocese, and not more than eight laymen, communicants of the Church, having domicile in the Diocese. Each Diocese shall prescribe the manner in which its Deputies shall be chosen. The Church in each Missionary District which shall have been established in accordance with the Constitution and Canons for the government of this Church, shall also be entitled to representation in the aforesaid Houses of Clergy and Laity by not more than two Presbyters, canonically resident in the Missionary District, and not more than two laymen, communicants of this Church, having domicile in the Missionary District. Each Missionary District shall prescribe the manner in which its Deputies shall be chosen.

Deputies from such Missionary Districts, except as otherwise provided in the Constitution, shall be subject to all of the qualifications and with all of the rights of Deputies from Dioceses.

To constitute a quorum for the transaction of business in the House of Clergy, the Clerical order shall be represented by at least one Deputy in each of a majority of Dioceses entitled to representation, and the Lay order shall likewise be represented by at least one Deputy in each of a majority of the Dioceses entitled to representation.

Section 5. On any question the vote of a majority of the members of Synod present shall suffice, unless otherwise ordered by this Constitution, or, in cases not specifically provided for by the Constitution, by Canons requiring more than a majority, or unless the Clerical or the Lay representation from any Diocese require that the vote be taken by orders. In all cases of a vote by orders, the Houses shall vote separately, and the concurrence of the votes of the three Houses shall be necessary to constitute a vote of the Synod. No action of [either order] any house shall pass in the affirmative unless it receives the majority of all votes cast, and unless the sum of all the affirmative votes shall exceed the sum of other votes by at least one whole vote.

Section 6. In any House any number less than a quorum may adjourn from day to day. No House, without the consent of the other, shall adjourn for more than three days, or to any place other than that in which Synod shall be sitting.

Section 7. The General Synod shall meet in 1993, and thereafter in every third year on the Wednesday after the first Sunday in October, unless a different day be appointed by the preceding Synod, and at the place designated by such Synod; but if there shall appear, to the Primate acting with the advice and consent of the Executive Council of the Church or of a successor canonical body having substantially the powers now vested in the Executive Council, sufficient cause for changing the place or date so appointed, he, with the advice and consent of such body, shall appoint another place or date, or both, for such meeting. Special meetings may be provided for by Canon.

## ARTICLE II - Of Bishops

Section 1. In every Diocese the Bishop or the Bishop Coadjutor shall be chosen agreeably, to rules prescribed by the Synod of that Diocese [if two-thirds of the Clergy and Laity agree upon a nominee] provided however if two-thirds of the Clergy delegates present and two-thirds of the laity delegates present at the Election Synod shall agree upon a nominee; provided, however, that when a Diocese shall be formed out of a Missionary District, the Missionary Bishop in charge of said District shall become the Bishop of said Diocese, if he shall so elect. Missionary Bishops shall be chosen in accordance with the Canons of the General Synod.

Section 2. No one shall be ordained and consecrated Bishop until he shall be thirty years of age; nor without the consent of a majority of the Standing Committees of all the Dioceses, and the consent of a majority of the Bishops of this Church exercising jurisdiction. But if the election shall have taken place within three months next before the meeting of the General Synod, the consent of the House of Clergy and of the House of Laity shall be required in -place of that of a majority of the Standing Committees. No one shall be ordained, and consecrated Bishop by fewer than three Bishops.

Section 3. A Bishop shall confine the exercise of his office to his own Diocese or Missionary District, unless he shall have been requested to perform episcopal acts in another Diocese or Missionary District by the Ecclesiastical Authority thereof, or unless he shall have been authorized and appointed by the Metropolitan of the Province, with the consent of his provincial House of Bishops, to act temporarily in case of need within any territory not yet organized into Dioceses or Missionary Districts of this Church.

Section 4. It shall be lawful for a Diocese, with the consent of the Bishop of that Diocese, to elect one or more Suffragan Bishops, without right of succession, and with seat and vote in the House of Bishops. A Suffragan Bishop shall be consecrated and hold office under such conditions and limitations other than those provided in this Article as may be provided by Canons of the General Synod. He shall be eligible as Bishop or Bishop Coadjutor of a Diocese, or as Suffragan in another Diocese, or he may be elected by the House of Bishops as a Missionary Bishop.

Section 5. It shall be lawful for a Diocese to prescribe by the Constitution and Canons of such Diocese that upon the death of the Bishop, a Suffragan Bishop of that Diocese may be placed in charge of such Diocese and become temporarily the Ecclesiastical Authority thereof until such time as a new Bishop shall be chosen and consecrated; or that during the disability or absence of the Bishop a Suffragan Bishop of that Diocese may be placed in charge of such Diocese and become temporarily the Ecclesiastical Authority thereof.

Section 6. A Bishop may not resign his jurisdiction without the consent of the House of Bishops.

Section 7. It shall be lawful for the House of Bishops to elect a Suffragan Bishop who, under the direction of the Primate, shall be in charge of the work of those chaplains in the Armed Forces of the United States who are ordained Ministers of this Church. The Suffragan Bishop so elected shall be consecrated and hold office under such conditions and limitations other than those provided in this Article as may be provided by Canons of the General Synod. He shall be eligible as Bishop or Bishop Coadjutor or Suffragan Bishop of a Diocese or he may be elected by the House of Bishops as a Missionary Bishop.

Section 8. Upon attaining the age of seventy-two years, a Bishop shall tender his resignation from his jurisdiction, but the Diocesan Synod may, by the concurrence of the Clergy and Laity, refuse to accept the same for a period of time set forth by resolution, during which time this Article shall be suspended in such case.

### ARTICLE III - Of Bishops for Foreign Lands

Bishops may be consecrated for foreign lands upon due application therefrom, with the approbation of a majority of the Bishops of this Church entitled to vote in the House of Bishops, certified to the Primate under such conditions as may be prescribed by Canons of the General Synod. Bishops so consecrated shall not be eligible to the office of Diocesan or of Bishop Coadjutor of any Diocese in the United States or be entitled to vote in the House of Bishops, nor shall they perform any act of the Episcopal Office in any Diocese or Missionary District of this Church, unless requested so to do by the Ecclesiastical Authority thereof. If a Bishop so

consecrated shall be subsequently duly elected as a Missionary Bishop of this Church, he shall then enjoy all the rights and privileges given in the Canons to Missionary Bishops.

#### ARTICLE IV - Of Diocesan Standing Committees

In every Diocese, a Standing Committee shall be appointed by the Synod thereof. When there is a Bishop in charge of the Diocese, the Standing Committee shall be his Council of Advice. If there be no Bishop or Bishop Coadjutor or Suffragan Bishop canonically authorized to act, the Standing Committee shall be the Ecclesiastical Authority of the Diocese for all purposes declared by the General Synod. The rights and duties of the Standing Committee, except as provided in the Constitution and Canons of the General Synod, may be prescribed by the Canons of the respective Dioceses.

#### ARTICLE V - Of New Dioceses

Section 1. A new Diocese may be formed, with the consent of the General Synod and under such conditions as the General Synod shall prescribe by general Canon or Canons, (1) by the erection into a Diocese of the whole or of any part of one or more Missionary Districts; (2) by the division of an existing Diocese; (3) by the junction of two or more Dioceses or parts of two or more Dioceses; or (4) by the junction of the whole or part of a Missionary District with a Diocese, or with any part of one or more Dioceses. The proceedings shall originate in a Convocation of the Clergy and Laity of the Missionary District called by the Bishop for that purpose; or, with the approval of the Bishop, in the Synod of the Diocese to be divided; or (when it proposed to form a new Diocese by the junction of two or more Dioceses or of parts of two or more Dioceses), by mutual agreement of the Synods of the Dioceses concerned, with the approval of the Bishop of each Diocese. In case the Episcopate of a Diocese be vacant, no proceedings toward its division shall be taken until the vacancy is filled. During a vacancy in a Missionary District, the consent of the Primate must be had before proceedings to erect it into a Diocese are taken. When it shall appear to the satisfaction of the General Synod, by a certified copy of the proceedings and other documents and papers laid before it, that all the conditions for the formation of the new Diocese have been complied with and that it has acceded to the Constitution and Canons of this Church, such new Diocese shall thereupon be admitted to union with the General Synod.

Section 2. In case one Diocese shall be divided into two or more Dioceses, the Bishop of the Diocese divided may elect the one to which he will be attached, and he shall thereupon become the Bishop thereof; and the Bishop Coadjutor, if there be one, may elect the one to which he shall be attached, and (if it be not the one elected by the Bishop) he shall be the Bishop thereof.

Section 3. In case a Diocese shall be formed of parts of two or more Dioceses, each of the Bishops and Bishops Coadjutor of the several Dioceses out of which the new Diocese has been formed shall be entitled, in order of seniority of consecration, to the choice between his own Diocese and the new Diocese so formed. In case the new Diocese shall not be so chosen, it shall have the right to choose its own Bishop.

Section 4. Whenever a new Diocese is formed and erected out of an existing Diocese, it shall be subject to the Constitution and Canons of the Diocese out of which it was formed, except as local circumstances may prevent, until the same be altered in accordance with such Constitution and Canons by the Synod of the new Diocese. Whenever a Diocese is formed out of two or more existing Dioceses, it shall be subject to the Constitution and Canons of that one of the said existing Dioceses, to which the greater number of clergymen shall have belonged prior to the erection of such new Diocese, except as local circumstances may prevent, until the same be altered in accordance with such Constitution and Canons by the Synod the new Diocese.

Section 5. A Diocese formed out of a Missionary District shall be subject to the Constitution and Canons to which such Missionary District was subject, until the same be altered in accordance with such Constitution and Canons by the Synod of the new Diocese.

Section 6. No new Diocese shall be formed unless it shall contain at least six Parishes and at least six Presbyters who have been for at least one year canonically resident within the bounds of such new Diocese, regularly settled in a Parish or Congregation, and qualified to vote for a Bishop. Nor shall such new Diocese be formed if thereby any existing Diocese shall be so reduced as to contain fewer than twelve Parishes and twelve Presbyters who have been residing therein and settled and qualified as above provided.

Section 7. The consent of the General Synod to the erection of a new Diocese shall not be given until it has satisfactory assurance of a suitable provision for the support of the Episcopate.



## ARTICLE VI - Of Territorial Jurisdiction

Section 1. The House of Bishops may establish Missionary Districts in States and Territories or parts thereof not organized into Dioceses. It may also from time to time change, increase, or diminish the territory included in such Missionary Districts in such manner as may be prescribed by Canon.

Section 2. The General Synod may accept a cession of the territorial jurisdiction of a part of a Diocese when such cession shall have been proposed by the Bishop and the Synod of such Diocese, and consent thereto shall have been given by three-fourths of the Parishes in the ceded territory, and also by the same ratio of the Parishes within the remaining territory.

Any territorial jurisdiction or any part of the same, which may have been accepted from a Diocese by the General Synod under the foregoing provision, may be retroceded to the said Dioceses by such joint action of all the several parties as is herein required for its cession, save that in the case of retrocession of territory the consent of parishes within the territory retroceded shall not be necessary, provided that such actions of the General Synod, whether of cession or retrocession, shall be by a vote of two-thirds of all the Bishops present and voting and by a vote of two-thirds of the Houses of Clergy and Laity.

Section 3. Missionary Districts shall be organized as may be prescribed by Canon of the General Synod.

## ARTICLE VII - Of Provinces

Diocese and Missionary Districts may be united into Provinces in such manner, under such conditions, and with such powers, as shall be provided by Canon of the General Synod, provided, however, that no Diocese shall be included in a Province without its own consent.

## ARTICLE VIII - Of Ministers

No person shall be ordered Priest or Deacon to minister in this Church until he shall have been examined by the Bishop and two Priests and shall have exhibited such testimonials and other requisites as the Canons in that case provided may direct. No persons shall be ordained and consecrated Bishop, or ordered Priest or Deacon to minister in this Church, unless at the time, in the presence of the ordaining Bishop or Bishops, he shall subscribe and make the following declaration:

"I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God, and to contain all things necessary to salvation; and I do solemnly engage to conform to the Doctrine, Discipline, and Worship of the Anglican Church in America."

Provided, however, that any person consecrated a Bishop to minister in any Diocese or Missionary District of an autonomous Church or Province of a Church in Communion with this Church may, instead of the foregoing declaration, make the promises of Conformity required by the Church in which he is to minister.

If any Bishop ordains a Priest or Deacon to minister elsewhere than in this Church, or confers ordination as Priest or Deacon upon a Christian minister who has not received Episcopal ordination, he shall do so only in accordance with such provisions as shall be set forth in the Canons of this Church. No person ordained by a foreign Bishop, or by a Bishop not in communion with this Church, shall be permitted to officiate as a Minister of this Church until he shall have complied with the Canon or Canons in that case provided and also shall have subscribed the aforesaid declaration.

## ARTICLE IX - Of Courts

The General Synod may, by Canon, establish a Court for the trial of Bishops, which shall be composed of Bishops only.

Presbyters and Deacons canonically resident in a Diocese shall be tried by a Court instituted by the Synod thereof; Presbyters and Deacons canonically resident in a Missionary District shall be tried according to Canons adopted by the Bishop and Convocation thereof, with the approval of the House of Bishops; provided, that the General Synod in each case may prescribe by Canon for a change of venue.

The General Synod, in like manner, may establish or may provide for the establishment of Courts of Review of the determination of diocesan or other trial Courts.

The Court for the review of the determination of the Trial Court, on the Trial of a Bishop, shall be composed of Bishops only.

The General Synod, in like manner, may establish an ultimate Court of Appeal, solely for the review of the determination of any Court of Review on questions of Doctrine, Faith or Worship.

In all trials before any Court of this Church, the accused shall be entitled to due process, as said term is defined by the Supreme Court of the United States in Article XII, Section 2 of the U.S. Constitution.

None but a Bishop shall pronounce sentence of admonition, or of suspension or deposition from the Ministry, on any Bishop, Presbyter, or Deacon.

A sentence of Suspension shall specify on what terms or conditions and at what time the suspension shall cease.

The Dispensatory authority inherent in the Offices of the Metropolitan and the Diocesan Bishops shall be that historically vested there, and shall be exercised in accordance with the Canons, the act of General and Provincial Synods, and the rubrics of the Book of Common Prayer.

## ARTICLE X - Of Worship

The 1928 American Edition of the Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, together with the Psalter or Psalms of David, the Form and Manner of Making, Ordaining, and Consecrating Bishops, Priest, and Deacons, the Form of Consecration of a Church or Chapel, the Office of Institution of Ministers, and Articles of Religion of 1801, as now established or hereafter amended by the authority of this Church, shall be in use in all the Dioceses and Missionary Districts of this Church. No alteration thereof or additions thereto shall be made unless the same shall be first proposed in one triennial meeting of the General Synod [and by a resolve thereof be sent within six months to the Secretary of the Synod of every Diocese and of the Convocation of every Missionary District, to be made known to the Diocesan Synod or Convocation of the Missionary District, at its next meeting, and be adopted by the General Synod at its next succeeding triennial meeting by a three-fourths majority of the members of each House of General Synod.] by a three-fourths vote of the members of each House voting separately, and such Resolve thereof be sent, within six (6) months, to the Secretary of the Synod of every Diocese and the convocation of every Missionary District at its next meeting, and a copy of said Resolve shall be sent to the Senior Warden of each parish in said Diocese or District within two (2) months of the reception of the same by the said Secretary, and be adopted at the next succeeding triennial meeting of the General Synod by a three-fourths majority of the members of each House voting separately.

But notwithstanding anything herein above contained, the General Synod may at any one meeting, by a majority of the whole number of the Bishops entitled to vote in the House of Bishops, and by a majority of the Houses of Clergy and Laity voting by Houses as previously laid down in this Article, amend the table of Lessons and all Tables and Rubrics relating to the Psalms; and provided, that nothing in this Article shall be construed as restricting the authority of the Bishops of this Church to take such order as may be permitted by the Rubrics of the Book of Common Prayer or by the Canons of the General Synod for the use of special forms of worship.

The following are permitted for general use in this Church in addition to, and in subordination to, The Book of Common Prayer, 1928, American Edition:

1. The Book of Offices, Third Edition, 1970, or earlier editions thereof;
2. The Calendar and the Collects, Epistles and Gospels contained in the Lesser Feasts and Fasts and Special Occasions (1963 Edition);
3. The Priest's Manual;
4. The Book of Occasional Offices (1960 Edition);
5. The Hymnal, 1940, and other hymns and music authorized by the incumbent;
6. The Anglican Missal; and
7. The American Missal.

## ARTICLE XI - Of Protection

Section 1. Nothing in the Constitution or in the Canons of any jurisdiction of this Church shall defeat, entail, or encumber the title or right of any parish, mission, school, or religious Community in any of its real property or \*personality\*, or defeat, burden, or delay the right of any Bishop, Priest, Deacon, Deaconess, or employee of this Church to the full enjoyment of any vested portion of pension funds accrued to his account, or of any contractual right belonging to such person. No officer or agent of this Church, or of any jurisdiction shall resort to any civil court against any parish, mission, school, or religious community for the purpose of enforcing any temporal claim against the same.

Section 2. All members of the Anglican Church in America, including both laity and clergy, shall be entitled to due process. Due process shall be defined as, but not limited to, the right of the person against whom charges, complaints or grievances are being instituted to be notified of the charges, complaints, or grievances, in writing, providing an adequate amount of time to respond to the same; the right to be present before the tribunal which pronounces judgment upon the question concerning the validity of the charges, complaints, or grievances; the right to face one's accuser and other witnesses; the right to cross-examine one's accuser and other witnesses; the right to produce evidence on all questions; the right to question the impartiality of any individual who sits on the tribunal passing judgment on the charges, complaints, or grievances and to have individuals who have, or who have expressed, some prejudice, or bias with regard to the person charged or the outcome of the case or some preconceived notion as to

what the outcome should be with regard to the charges, complaints, or grievances, removed from the said tribunal; the right to be represented by an advocate; and the right of controverting, by proof, every material fact which bears on the question of right in the matter involved.

## ARTICLE XII - Of Amendments

No alteration or amendment of this Constitution shall be made unless the same shall be first proposed at one triennial meeting of the General Synod and by a resolve thereof be sent to the Secretary of the Synod of every Diocese and of the Convocation of every Missionary District, to be made known to the Diocesan Synod or the Missionary District Convocation at its next meeting, and be adopted by the General Synod at its next succeeding triennial meeting by a three-fourths majority of the members of each House of General Synod.

Each duly adopted alteration or amendment to this Constitution, unless otherwise expressly stated therein, shall take effect on the first day of January following the adjournment of the General Synod at which it is finally adopted.