

**The Archbishop of Canterbury's**  
**PANEL OF REFERENCE**  
for the Anglican Communion

*Diocese of Florida*

**REPORT**

27 February 2007

## THE PANEL OF REFERENCE

The Panel of Reference<sup>1</sup> was appointed by the Archbishop of Canterbury on 6 May 2005 in response to the concerns expressed by the Primates of the Anglican Communion, meeting at Lambeth Palace in October 2004 and at Dromantine in February 2005.

In the Instrument setting up the Panel, the Archbishop calls upon:

*“Each Primate or Moderator of the Communion which has ... a scheme of delegation or extended episcopal oversight to lodge with me a copy of such scheme within 14 days of receiving this document and to notify me within 28 days following any change to such scheme;*

*Each bishop of the Communion to respect fully and in accordance with its spirit any scheme of delegation or extended oversight established in his or her province;*

*Each parish of the Communion which considers that in all conscience it cannot accept the direct oversight of its bishop to work with him or her in the first instance towards finding some appropriate means for delegated or extended episcopal oversight within the diocese and Province in which the parish is situated;*

*The Instruments of Unity of the Communion to work tirelessly towards reconciliation and healing “that the world may believe”.*”

The functions of the Panel include:

*[at the request of the Archbishop of Canterbury] to enquire into, consider and report on situations drawn to [his] attention where there is serious dispute concerning the adequacy of schemes of delegated or extended episcopal oversight or other extraordinary arrangements which may be needed to provide for parishes which find it impossible in all conscience to accept the direct ministry of their own diocesan bishop or for dioceses in dispute with their provincial authorities;*

*With [his] consent to make recommendations to the Primates, dioceses and provincial and diocesan authorities concerned, and to report to [him] on their response;*

*At the request of any Primate to provide a facility for mediation and to assist in the implementation of any such scheme in his own province.*

The Panel first met in London 12-14 July 2005 and again 9-12 May 2006.

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<sup>1</sup> See [www.anglicancommunion.org](http://www.anglicancommunion.org) for full Panel mandate and other materials on the Windsor process.

## **REPORT OF THE PANEL, RESPONDING TO APPEALS FROM THE PARISH OF THE REDEEMER AND BY THE DIOCESE OF FLORIDA**

### **The Reference and the Parties**

1. By letter of 12 June 2005 six parishes or missions in the Diocese of Florida applied to their bishop for alternative episcopal oversight. The Bishop of Florida, the Rt Revd Samuel Johnson Howard, by letter of 12 August 2005 to the applicants, refused their specific request, while offering Delegated Episcopal Pastoral Oversight (DEPO).
2. By letter of 13 August 2005 to the Archbishop of Canterbury, six priests and six lay leaders representing the same six parishes or missions in the Diocese of Florida, appealed to the Archbishop for their cause to be referred to the Panel of Reference. The priests and lay leaders were seeking alternative episcopal oversight for the congregations they represented as those congregations were in '*serious theological dispute*' with their diocesan bishop and found it '*impossible in all conscience to accept his direct ministry*'.
3. The applicants, who all signed the letter, are:
  - Church of the Redeemer, Jacksonville:** The Revd Neil G Lebhar, Rector, and William Shroeder IV, Senior Warden for the vestry.
  - Grace Episcopal Church, Orange Park:** The Revd Samuel Pascoe, Rector, and Thomas McKeithen, Senior Warden for the vestry.
  - Calvary Episcopal Mission, Jacksonville:** The Revd David Sandifer, Vicar, and Elizabeth Collins, Senior Warden for the Mission Board.
  - All Souls Episcopal Church, Jacksonville:** The Revd James K McCaslin, Rector, and The Hon Haldene, Taylor Senior Warden for the vestry.
  - St Luke's Community of Life Mission, Tallahassee:** The Revd James R Needham, Vicar, and Mary Leffler, Senior Warden.
  - St Michael's Episcopal Church, Gainesville:** The Revd Charles Alexander Farmer, Rector, and Emily Wilson, Senior Warden for the vestry.
4. On 9 January 2006, the Bishop of Florida, by letter to the Archbishop of Canterbury requested the '*intervention by the Panel of Reference as jurisdictional lines are being violated in contravention of the Primates' communiqué and the Windsor Report, paragraph 155*'. The bishop was then referring to Grace Church which sought the oversight of the Archbishop of Rwanda, effective 1 January 2006. On 29 June 2006 Bishop Howard made the specific request that the Panel should also address the question of a relationship which had developed between Redeemer Church and the Province of Uganda.
5. By letter of 18 April 2006 to the Archbishop, Redeemer Anglican Church (being comprised of parishioners from the congregation formerly known as the Episcopal Church of the Redeemer) supplemented their earlier application and indicated that Grace Church and All Souls' Church intended to do the same.

6. On 10 May 2006 the Panel (at its second plenary meeting in London) received the Reference from the Archbishop of Canterbury.
7. Among the parishes, Redeemer Church is the only original applicant pursuing its application. The Panel representatives were, however, informed that since the date of the initial application to the Archbishop, the following developments have affected the other five churches:

Grace Church: From 1 January 2006 Grace Church changed from an Episcopal congregation of ECUSA to a new status through the Anglican Church of Rwanda. After a letter from the diocese threatening a law suit to recover possession of the church site most of the congregation moved to rented premises. The Revd S Pascoe was inhibited in the Episcopal Church for 'abandonment of the Communion of this Church'.

Calvary Mission: The congregation left the church site and moved to rented premises. The Revd D Sandifer was inhibited in the Episcopal Church for 'abandonment of the Communion of this Church'. The Calvary Mission is now under the temporary oversight of the Province of Uganda.

All Souls' Church: Continues to operate from the church site it previously occupied. The Revd J McCaslin was inhibited in the Episcopal Church for 'abandonment of the Communion of this Church'. All Soul's Church claims to be currently under the temporary oversight of the Province of Uganda.

St Luke's Mission: Left the church site and joined with St Peter's Tallahassee. The Revd J R Needham was inhibited and released from priestly obligations in the Episcopal Church for 'abandonment of the Communion of this Church'. St Luke's has placed itself under the temporary oversight of the Province of Uganda.

St Michael's Church: Priest and congregation left the church site, moved to rented premises and operate as Servants of Christ in Gainesville. The Revd C A Farmer was inhibited in the Episcopal Church for 'abandonment of the Communion of this Church'. St Michael's has placed itself under the temporary oversight of the Province of Kenya.

At the time of their visit the Panel representatives had no brief to relate directly to any of these five churches and missions. We refer to their situation because, as indicated above, their dispute has occurred over the same period as that of Redeemer Church. Clearly, our advice relates to Redeemer Church only, but if the recommendation of this report can be adopted by the Diocese of Florida and Redeemer Church, then it may be possible that they could provide a way forward in relation to the other parishes and congregations as well.

## Sequence of events in the Diocese of Florida

8. After the election of Gene Robinson as Bishop of New Hampshire and the decisions of the 2003 General Convention of ECUSA, the six congregations set out in paragraph 3 (including Redeemer Church), declared that they believed their Bishop should withdraw from sacramental fellowship with bishops in ECUSA. Bishop Howard, who had not supported the decision of the Convention to ratify the election, believing conscientiously that he should still maintain communion with his fellow bishops, including those who had offered such support, and considering himself canonically bound to do so, refused the request of the six congregations.
9. As a result these congregations decided to suspend their voluntary pledges to the Diocese on the grounds that some pledge money supported ECUSA programmes. (In the Diocese of Florida, parish financial support for diocesan programmes is voluntary; that is, there is no canon which levies an assessment. Instead, a parish makes an annual pledge of about ten per cent of its income to support diocesan programmes.) The Diocese responded by making a number of adjustments to the pledge arrangements in 2004 and 2005 so that it is now possible for a parish to pledge money to the Diocese and be confident that none of those monies will be sent on to support ECUSA programmes.
10. In early November 2005 the Bishop of Florida approached Bishop Ed Salmon of South Carolina who offered his ministry to the six parishes under a plan of Delegated Episcopal Oversight. With the consent of the parishes, two preliminary visits were made to the parishes.
11. Even with these developments Redeemer Church refused to pledge funds to the diocese until the Episcopal Church (USA) acted fully on the recommendations requested by *The Windsor Report*.<sup>2</sup> Near the end of 2005, the leadership of Redeemer Church feared that the Bishop and Standing Committee would take steps to reduce the parish to mission status and inhibit its priests if it did not resume voluntary pledging to the diocesan budget (as provided under Canons 21 and 22 of the Diocese in situations where voluntary contributions are withheld for two years). Mission status effectively gives the diocesan bishop direct control over the vestry, ministry and finances of the parish unit. In case these two actions were taken by the Diocese, Redeemer Church began approaches to the Province of Uganda with a view to seeking episcopal oversight from that source should their situation in Florida reach a point at which Redeemer Church judged that step to be necessary.
12. On Christmas Eve 2005 there was a meeting between two representatives of Redeemer Church and Canon Kurt Dunkle, the Canon to the Ordinary. It was agreed that so long as Redeemer Church did not seek to put itself under Ugandan oversight, the Bishop and Standing Committee would not proceed to inhibit the clergy of

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<sup>2</sup> *The Windsor Report 2004*, The Anglican Communion Office, London, 2004.

Redeemer Church or seek to reduce the parish to mission status. It was agreed that negotiations would continue in good faith.

13. At a joint meeting in which the sequence of events from 24 December to 11 January was discussed between diocesan, Redeemer Church and Panel representatives, those from Redeemer Church were adamant that they had taken no action to break the Christmas Eve agreement. However, on 29 December 2005, the Anglican Alliance of North Florida (of which Redeemer Church was a member) announced that on 1 January 2006, its parishes, with Redeemer Church named in the text, were leaving the Episcopal Church. This announcement was interpreted by the Diocese as a decision on the part of Redeemer Church to enter into the jurisdiction of the Province of Uganda. On 12 January 2006 the Revd Neil Lebhar wrote a letter to the 'Redeemer Family' in which he declared "It is true that Redeemer Anglican Church is now not an Episcopal Church." On 17 January 2006, Redeemer Church's own press release indicates that they had in fact left the Episcopal Church on 1 January 2006.
14. On 9 January 2006, the Standing Committee of the Diocese of Florida advised the Rector, Wardens and Vestry of Redeemer Church that it wished to conduct a hearing to enable the Standing Committee to consider the Bishop's request that the status of Redeemer Church be changed from parish status to mission status in the light of the Standing Committee's belief that Redeemer Church was acting to leave the oversight of the Diocese.
15. As noted in paragraph 4, on 9 January 2006 the Bishop of Florida also requested from the Archbishop of Canterbury a reference to the Panel of Reference regarding the interventions of other Provinces in the life of the six congregations.
16. On 11 January 2006, the Standing Committee of the Diocese of Florida determined, after consideration of a report, that the Revd Neil Lebhar, Rector of Redeemer Church, had '*abandoned the communion of this Church*'. Similar determinations were made in respect of the other clergy. Later that day, the Rectors and Vicars of all six congregations (being the original applicants to this reference) received letters of inhibition from Bishop Howard.<sup>3</sup>
17. At some stage in the above process, the DEPO proposals with Bishop Salmon were not pursued.
18. On 12 January 2006, Bishop Joel Obetia made his acceptance of the Revd Neil Lebhar and his assistant the Revd Shawn Porter as being under his jurisdiction and canonically resident in his diocese of Madi/West Nile in the Province of Uganda.

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<sup>3</sup> "Therefore, pursuant to Title IV, Ecclesiastical Discipline, of the Canons of the Episcopal Church, Canon IV.10, you are hereby inhibited from officiating in this diocese for a period of six months from the date of this letter....Please be aware that you have rights specified in sec 2 of the Canon."

19. In the Spring of 2006 Bishop Howard appointed the Revd Davette Turk, who had been Associate Rector of Redeemer Episcopal Church between 1984 and 1989, to be Rector of Redeemer Episcopal Church. This congregation currently has a vestry of five members and a Senior Warden, but is unable to worship in the parish property because of the presence of Redeemer Anglican Church in it.

### **Steps in the Litigation to date**

20. On 27 March 2006, the Diocese commenced legal action in the Circuit Court<sup>4</sup> against the Rector, Wardens and Vestry of Redeemer Church to recover possession of all the real and personal property held on behalf of the Episcopal Church by Redeemer Parish. The defendants filed a Defence and Cross Claim. An interim step in the litigation was taken by the Diocese on 4 October 2006 despite the oral and written requests of the Panel representatives that this hearing should be postponed at least until the Panel process had been completed. A further hearing took place on 8 January 2007, at which the motion of Redeemer Anglican Church to strike out portions of the Complaint of the Diocese was denied. The Diocese is now pursuing the presentation of a Motion for Summary Judgment.

### **Meetings with the parties**

21. The Panel sent two of its number, Maurice Sinclair and Robert Tong, to confer with the Diocesan Bishop and Redeemer Church representatives prior to the preparation of this report of the Panel for the consideration of the Archbishop of Canterbury. The meetings were held in Jacksonville, Florida on 26–29 September 2006. Bishop Howard and Canon Kurt Dunkle presented the diocesan position, while the Revd Neil Lebhar, members of the vestry and legal team presented the viewpoint of Redeemer Church. Full and frank conversations took place and a range of solutions was canvassed. This report could not have been prepared without these meetings and conversations.
22. The Panel representatives wish to record in this report their appreciation of opportunities for Christian fellowship and prayer. Our hosts were generous in their hospitality and provision of accommodation. All travel and related costs were shared between the Diocese and Redeemer Church.

### **Some Aspects of the Wider Context of the Florida Dispute.**

23. Though this dispute is located in the Diocese of Florida almost all its underlying causes originate from the much wider dispute affecting the Anglican Communion as a whole. Any assessment therefore of what is taking place locally must take into account an estimate of the overall situation. Some of the critical and relevant features of this wider context are mentioned below.

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<sup>4</sup> Case No:16-2006-CA-2361. Division: CV-B. In the Circuit Court, Fourth Judicial Circuit, in and for Duval County, Florida.

24. Paragraph 27 of *The Windsor Report* summarises the events which triggered the Windsor process. These events were:

- the authorization of a public Rite of Blessing for same sex unions by the synod of the Diocese of New Westminster (Canada);
- the election and consecration of ‘a divorced man openly acknowledged to be living in a sexually active and committed same sex relationship’ as Bishop of New Hampshire (USA);
- the 2003 General Convention which consented to the New Hampshire election also recognised that experimental public Rites of Blessing for same-sex unions were being developed in some places in the Episcopal Church and did not choose to censure that development, but rather implied acceptance of them;
- the 2004 Canadian General Synod which affirmed by resolution ‘the integrity and sanctity of committed adult same-sex relationships’.

25. *The Windsor Report* (paragraph 28) states “The overwhelming response from other Christians both inside and outside the Anglican family has been to regard these developments as departures from genuine, apostolic Christian faith.” *The Windsor Report* also calls to account dioceses or provinces that have taken initiative in crossing diocesan boundaries, claiming jurisdiction in areas affected by this controversy (paragraphs 154 and 155).

26. The constitutional documents of the Episcopal Church (USA)<sup>5</sup> and the Anglican Church of Canada<sup>6</sup> require those Churches to be in communion with the Archbishop of Canterbury and the Anglican Church “throughout the world”, and loyal to the historic Anglican formularies. The events in paragraph 23 above, place strain upon the constitutional and sacramental relationships within the Anglican Communion.

27. The Primates, in October 2003, referring to the actions in paragraph 23 above, made this statement:<sup>7</sup>

These actions threaten the unity of our own Communion as well as our relationships with other parts of Christ’s Church, our mission and witness, and our relations with other faiths, in a world already confused in areas of sexuality, morality and theology, and polarised Christian opinion...

We also re-affirm the resolutions made by the bishops of the Anglican Communion

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<sup>5</sup> The preamble of the constitution states “The Protestant Episcopal Church of the United States of America... is a constituent member of the Anglican Communion, A Fellowship within the One Holy, Catholic and Apostolic Church, of those constituted Dioceses, Provinces, and regional Churches in communion with the see of Canterbury, upholding and propagating the historic Faith and Order as set forth in the Book of Common Prayer”.

<sup>6</sup> The Solemn Declaration states “We, the Bishops, together with the Delegates from the Clergy and Laity of the Church of England in the Dominion of Canada, now assembled in the first General Synod, hereby make the following Solemn Declaration: We declare this Church to be, and desire that it shall continue, in full communion with the Church of England throughout the world,...”.

<sup>7</sup> A Statement by the Primates of the Anglican Communion meeting in Lambeth Palace. 16 October 2003. Anglican Communion News Service 3633.

gathered at the Lambeth Conference in 1998 on issues of human sexuality as having moral force and commanding the respect of the Communion as its present position on these issues...To this extent, therefore, we must make clear that recent actions in New Westminster and in the Episcopal Church (USA) do not express the mind of our Communion as a whole, and these decisions jeopardise our sacramental fellowship with each other. We have a particular concern for those who in all conscience feel bound to dissent from the teaching and practice of their province in such matters...

28. In the *Communiqué* of the Primates Meeting at Dar Es Salaam, Tanzania, on 19 February 2007 an appeal was made to representatives of The Episcopal Church and of those congregations in property disputes with it “to suspend all actions in law arising in this situation”. Parties were urged “to give assurances that no steps will be taken to alienate property from The Episcopal Church without its consent or to deny the use of that property to those congregations”.

### **Summary Assessment**

29. Having spoken at length with the parties, the Panel representatives concluded that:
- a. the long running, frustrating and destructive controversy in ECUSA, and subsequent disputes about the maintenance of communion and table fellowship, have fractured relationships between parish and diocese;
  - b. there is a different understanding between the parties as to how this controversy can best be resolved;
  - c. there is a mutual desire for good outcomes, and continuing ability to converse courteously;
  - d. even so there is a serious loss of trust between parties on account of
    - i. the actions of the Rector and Parish in challenging the authority and leadership of the Bishop, and in seeking to leave the Episcopal Church and put itself under the authority of another jurisdiction.
    - ii. the disciplinary and legal actions of the Diocese immediately threatening the Rector and Parish;
  - e. there is also the possibility of the situation of the Diocese and the Parish being substantially affected by the process that seeks a Communion-wide resolution of the controversy, and which could involve the Episcopal Church and both the Diocese of Florida and Redeemer Church in choices over the future relationships with the wider Anglican Communion.

### **Further Considerations underlying our Recommendation**

30. Bearing in mind the aspects of the wider context described above and the timing of the Panel visit when the dispute had already reached an advanced and critical stage, the people most directly involved were found to be ready to engage with Panel

representatives, but were clearly frustrated and deeply hurt by all that had happened in the previous two years. In discussing with them options to be considered for a way forward, it was found that Redeemer Church was unhappy with the conditions the Diocese wished to attach to the options it favoured. Similarly the Diocese found it hard to respond to the concerns of Redeemer Church, relating to options that appeared better to their representatives. Though unable in the course of the visit to agree a formula that might be mutually acceptable, both parties expressed a desire to resolve the dispute Christianly.

31. The Panel therefore proposes a course of action which optimises the elements of reconciliation and co-operation, rather than offer a purely pragmatic solution that would represent little more than last resort. We do not believe that the right course of action is to continue to resort to legal process. The importance of provisions which allow time and space for truth to be discerned and for relationships to heal is also recognized.
32. The objections of the parish to the controversial acts of ECUSA in its General Conventions must be regarded as serious and genuine. These actions have seriously jeopardised relationships at a diocesan level. Given the substantial nature of the doctrinal, ethical and constitutional issues of the wider context (described in paragraphs 22 to 26), we believe that it is right for the Diocese to give as much space as possible to Redeemer Church to develop its own life and maintain its own integrity in relation to these issues. We do not feel, however, that it is appropriate for Redeemer Church to try to dictate to the Bishop how he should act in relation to the church at the national level.
33. Positively, we take guiding principles from the Archbishop of Canterbury's statement following the General Convention of ECUSA last June. He acknowledges serious differences affecting dioceses and parishes within ECUSA, and urges an orderly and mutually respectful approach to the handling of resultant disputes. The experience of the visit underlined for the Panel representatives the importance of this approach, and the following recommendation is made in the light of possible developments which would radically change the context of the current dispute.
34. Also important to bear in mind is the role of the Province of Uganda and the Diocese of Madi West Nile, which is contrary to the recommendations of paragraphs 154 and 155 of *The Windsor Report*. In considering this development in relation to the recommendations of *The Windsor Report*, and the commitment made by the Primates at Dromantine in February 2005, the Province of Uganda and the Diocese of Madi/West Nile argue that they did not initiate this relationship with Redeemer Church. As has been noted, their involvement in the dispute between the Parish, Diocese and the Episcopal Church was made at the specific request of the Parish. The Province of Uganda intends that the actions they have taken should be of limited duration, to assist the Redeemer Church and clergy to retain at this critical juncture their Anglican identity and status. A positive result of the closer relationship with this African Province and Diocese has, however, been a growing partnership in

mission. Hope has been expressed that this partnership will continue once the emergency oversight is discontinued and oversight within the USA has been regularised and restored.

## **RECOMMENDATION**

35. This recommendation is based upon a pastoral accord which both the Diocese and the Parish could accept without compromise of Christian conscience. As preconditions, the authority of the Diocesan bishop should not be challenged, the inhibition of the Rector should be lifted, and a guarantee given that no further legal action will be taken by the Diocese against Redeemer Church and that it will not be reduced to mission status.
36. As an integral part of this recommendation, we are commending what we are calling a “good neighbour” episcopal ministry. It represents a development of the plan for delegated episcopal pastoral oversight. The “neighbour” bishop would have an oversight extended to him or her from the diocesan bishop, which would include effective and necessary sharing of decisions with regard to clergy appointments for the parish and ordination process. As neighbour, the bishop would live in reasonable geographical proximity. Most important of all, the spirit of this ministry would be neighbourly.
37. For the implementation of this recommendation we list the following steps:
  - a. The Revd Neil Lebhar and his parish colleagues should adopt with the Diocesan Bishop practical ways of reopening clear channels of communication, having the sincere intent of working towards full reconciliation.
  - b. A neighbouring bishop acceptable to both the Diocese and the Parish should be invited to undertake an effective ministry in relation to Redeemer Church. This ministry would involve pastoral guidance for the clergy and lay leadership of the Parish, and visitations, and Confirmations there. The participation of the neighbour bishop in ordination process and clergy appointments for the Parish would be such that decisions relating to these would require the signature of the neighbour bishop together with that of the diocesan bishop.
  - c. Once this arrangement for extended oversight is established, any question of possible oversight from the Province of Uganda and Madi/West Nile Diocese should cease. Redeemer Church would unambiguously come under the jurisdiction of the Diocese of Florida. The ‘good neighbour’ ministry would then continue for an agreed period of years, renewable by mutual agreement.
  - d. An essential element of this accord would be the commitment of the Parish to full, generous and sustained support for the ministries of the Diocese. Redeemer Church could avail itself of the plan whereby none of this contribution would be channelled to the central finances of the national Church, but otherwise it should

- contribute to the Diocese in the same way as all other parishes.
- e. Respectful of the special conditions allowed in this accord, the representatives of Redeemer Church would participate in the Diocesan Conventions. Their clergy would have their licences to officiate in the Diocese restored.
  - f. The reconciliation of the worshipping community currently known as Redeemer Episcopal Church, led by the Reverend Davette Turk and Redeemer Anglican Church led by the Reverend Neil Lebhar, would then need to be addressed, perhaps by at first sharing the use of the property.

## **Panel of Reference membership**

### **Chairman**

The Most Revd Dr Peter Carnley, AO

### **Deputy Chairman**

Ms Fung Yi Wong

### **Members of the Panel appointed for special responsibility in this reference**

The Rt Revd Dr Maurice Sinclair  
Mr Robert Tong

### **Other members**

His Honour Michael Evans, QC  
The Revd Professor Joseph Galgalo  
Chancellor Bernard Georges  
The Rt Revd Khotso Makhulu, CMG  
The Revd Canon John Moore  
Chancellor Rubie Nottage  
The Rt Revd Claude Payne  
The Most Revd Dr John Sentamu  
The Revd Stephen Trott