



February 2, 2023

To: The Members of the Provincial Tribunal

From: Bishop Stewart Ruch, III and Chancellor Charles L. Philbrick

SUPPLEMENT TO REQUEST FOR DECLARATIONS

NOW COMES Bishop Stewart Ruch, III and Chancellor Charles L. Philbrick, Upper Midwest Diocese, and hereby supplement their January 31, 2023 Request for Declarations. Specifically, we now provide the Provincial Tribunal with the presentment against Bishop Ruch, which forms the basis for our request for declarations pursuant to Title IV, Canon 5, Section 4.1 of the Canons of the Anglican Church of North America.

INTRODUCTION

On January 31, 2023, Archbishop Foley Beach provided Bishop Ruch and Chancellor Philbrick with the presentment against Bishop Ruch (the “Presentment”). As anticipated, the Presentment contains an “Addendum” in which the accusers disavow the charges contained in the Presentment. Copies of the Presentment and its Addendum are attached for the Tribunal’s evaluation.

Because the Archbishop indicates his intent to submit the Presentment and Addendum to a Board of Inquiry (see the Archbishop’s January 31, 2023 email, also attached), there is a clear dispute arising out of the Constitution and Canons as to validity of the Presentment and the Addendum.

We submit that the requirement that the accusers “sign and swear to” their charges mandates that an accuser verify under oath the truth of the matters asserted. Here, the accusing bishops sign but do not swear to the allegations of the presentment. Worse yet, they state in the Addendum that they do not believe, have no personal knowledge of, or a good faith basis for the belief that their charges are true.

We ask that the Provincial Tribunal resolve this material dispute as to the validity of the Presentment and declare that the Presentment against Bishop Ruch is invalid.

THE PRESENTMENT AND THE ADDEMDUM

On December 22 and 23, 2022, three bishops of the Province signed a Presentment against Bishop Ruch for violations of Canon IV.3.1. The accusing bishops signed, but do not swear to the statements, allegations and charges contained in the Presentment.

On December 24 and 26, the accusing bishops disavowed their signatures to the Presentment by stating:



In signing this Presentment, we do not presume guilt upon Bishop Ruch. Such a judgement was not asked of us. We simply assert that the canonical process should continue. We believe this is the only way to have trusted, godly outcomes for Bishop Ruch and the various publics and stakeholders to which we owe an answer on these matters.

We ask that that Provincial Tribunal consider this question, which arises from the Constitution and Canons, and declare the Presentment to be invalid.

SUPPLEMENTAL ANALYSIS

Count I: The Requirements of Canon IV.4.1 Have Not Been Met.

The requirements for a valid presentment are:

Section 1 - Concerning Requirements for Presentment

A Bishop may be charged under Canon IV.2 by three Bishops of this Church with jurisdiction, *Such charges shall be in writing, signed and sworn to by all the accusers* and shall be presented to the Archbishop, the Archbishop's delegate, or the College of Bishops. The grounds of accusation must be set forth with reasonable certainty of time, place and circumstance. The charges shall be referred to the Board of Inquiry. (Emphasis added)

Canon IV.4.1. Here, the accusers are three bishops, as opposed to ten individuals from the accused bishop's diocese. The accusing bishops have signed the Presentment, but they do not swear to the validity of its contents.

Two days after signing the Presentment, on Christmas Eve and Boxing Day, the accusers renounced their signatures and admitted that they were the subject of improper influence to obtain their signatures.

First, the accusing bishops say that even though they signed the Presentment, they do not believe that Bishop Ruch is guilty of the charges they have signed: "In signing this Presentment, we do not presume guilt upon Bishop Ruch." If they do not believe that Bishop Ruch is guilty of the charges, then they should not have signed the Presentment. Thus, they defeat the very purpose of a presentment, which sets forth "charges" against an accused bishop. Canon IV.4.1.

Second, the accusers admit that their signatures were solicited by someone, who they do not identify: "Such a judgement was not asked of us." Apparently, someone solicited the accusing bishops to sign the Presentment. In order to obtain their endorsement, these unnamed persons sought the endorsement bishops who lacked knowledge of or belief in the accused's guilt. However, a presentment consists of "charges," not simply suspicions or even accusations. *Compare* Canon IV.4.1 with Canon IV.3.1.1.



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Third, the accusers assume for themselves an extra-canonical purpose: “We simply assert that the canonical process should continue.” There has been no canonical process in regard to Bishop Ruch. The Provincial Response Team, the Provincial Investigative Team and the Morning Team are all non-canonical bodies. Moreover, a presentment is the beginning point of the canonical process for bringing charges against a bishop. That process starts with signed and sworn to charges of guilt. No such thing exists here.

Fourth, the accusers state: “We believe this is the only way to have trusted, godly outcomes for Bishop Ruch and the various publics and stakeholders to which we owe an answer on these matters.” This statement is procedurally and substantively bankrupt.

Procedurally, the accusers are asserting that the canonical requirement of “signed and sworn to” charges does not lead to a godly outcome. Not so.

Substantively, the accusers assert that the Province owes an answer to “various publics and stakeholders.” Again, not so. The purpose of Church discipline is repentance and reform, not public relations:

The Church has its own inherent right to discipline the faithful who commit offenses. Penalties are established only insofar as they are essential for repentance, reformation, and ecclesiastical discipline and order.

Canon IV.1. The Church does not answer to anyone but her Lord. The Church certainly does not use her own internal right to discipline the faithful as an answer to anyone outside the Church.

WHEREFORE, we request that the Provincial Tribunal declare the Presentment against Bishop Ruch invalid, dismiss the Presentment and enjoin the submission of the Presentment to a Board of Inquiry.

Respectfully submitted,

Charles L. Philbrick

The Rt. Rev. Stewart Ruch, III
Bishop, Diocese of the Upper Midwest

Charles L. Philbrick
Chancellor, Diocese of the Upper Midwest

Enclosure

cc: The Rt. Rev. Julian Dobbs