

**ORDER OF THE PROVINCIAL TRIBUNAL
TO STAY PROCEEDINGS OF ANY BOARD OF INQUIRY
IN THE MATTER OF THE RT. REV. STEWART RUCH III
AND REQUEST TO ARCHBISHOP TO COMMUNICATE SUCH ORDER**

Background

On December 22 and 23, three Bishops of the Anglican Church in North America (ACNA) signed Articles of Presentment against The Right Rev. Stewart Ruch III (ACNA Upper Mid-West), “the accused,” in accordance with Title IV, Canon 2 and 4 of the Canons of the ACNA. The Articles state there are sufficient grounds to charge the accused with offenses in violation of the Canons of the ACNA—specifically, the habitual neglect of the duties of his Office in violation of subsection 10 resulting in conduct giving just cause for scandal or offense in violation of subsection 4 of Title IV Canon 2.

In addition to the Articles of Presentment, there is an “Addendum: Signing Statement” (“the Addendum”) that the presenting Bishops signed subsequently on December 24 and 26 that declares the following:

- “We believe the process of adjudication should continue, even though we think there are some potential problems in the Presentment.”
- “We trust the Board of Inquiry will revise the Presentment where needed to be consistent with the ACNA canons, as well as only move forward with sections of the Presentment that meet the standards of reasonable grounds or probable cause for a trial as outlined in Canon IV.4.4 and Canon IV.4.6.”
- “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.”

The Archbishop has authority under Canon IV.4.2 to select a Board of Inquiry upon receipt of a Presentment. On January 5, 2023, the Archbishop informed Bishop Ruch that he had received the Presentment.

Response of Bishop Ruch

On January 31, 2023 Bishop Ruch through his Diocesan Chancellor filed a Request for Declarations from this Court, the Provincial Tribunal, based on our original jurisdiction under Article XI of the Constitution and Canon IV.5.4.1 of the ACNA to hear and decide matters in dispute arising from the Constitution and Canons of the Province.

The requested declarations include (1) whether the Articles of Presentment satisfy the requirements of Canon IV.4.1 that the Presentment be “signed and sworn to” by three bishops of the Church; (2) whether the investigative process leading up to the Articles of Presentment

satisfied the requirements of fairness, due process and natural justice provided in Canon IV.5.7, and (3) whether provincial representatives must personally serve Bishop Ruch with a copy of the presentment upon its execution and submission to the Archbishop, in keeping with the procedural right Presbyters and Deacons have to be personally served with their Articles of Presentment (Canon IV.3.3.2).

On February 2, 2023, Bishop Ruch filed a Supplement to Request for Declarations requesting this Court to declare the Presentment invalid in light of the Addendum, to dismiss the Presentment and to enjoin the submission of the Presentment to a Board of Inquiry. As a matter of law, the Supplement includes an analysis of how the language of the Addendum defeats the very purpose of a presentment as defined in Canon IV.4.1, which sets forth “charges” against an accused bishop. As a matter of fact, the Supplement also alleges that the language of the Addendum admits signatures of the three bishops were solicited by someone who represented that a presentment consists of suspicions or accusations rather than the “charges” specified in Canon IV.4.1.

Order to Stay Proceedings of any Board of Inquiry in this matter pending resolution of matters of law by the Provincial Tribunal

This Court has original jurisdiction under Article XI of the Constitution and Canon IV.5.4.1 of the ACNA to hear and decide matters in dispute arising from the Constitution and Canons of the Province.

Both the January 31, 2023 Request for Declarations and the February 2, 2023 Supplement raise significant matters of fact and law whether the Articles of Presentment against Bishop Ruch are invalid as a matter of law: (1) by any language in the Presentment and the Addendum inconsistent with Canon IV.4.1 and (2) by any representations to the three presenting bishops inconsistent with Canon IV.4, thereby rendering the Presentment against Bishop Ruch invalid and subject to dismissal.

More narrowly, this presentment is signed, but not sworn, contrary to the requirements of Canon IV. 4.1. There is a supplement to this unsworn presentment, which is also unsworn, which is the addendum referenced, *supra*, which seems to disavow the belief by the three unsworn signers that they have reason to believe or accept the presentment which they signed. Moreover, the presentment has contained within it references to two investigative reports, the “Husch Blackwell report” (page 5 of the presentment) and the “Telios Law report” (page 6 of the presentment). Neither of these two reports are appended nor included with the presentment, and only one of which, the “Husch Blackwell report,” has ever been made public. As such, the presentment is itself by its own language not a complete document.

This is not a decision on the merits of the presentment, nor on any of the other objections raised by Bishop Ruch and his chancellor. This tribunal will have further proceedings, and any determination on the merits shall await such further proceedings which will require further factual matters to be addressed, as well as briefing of the canon law issues herein raised.

Therefore all proceedings of any such Board of Inquiry selected by the Archbishop are hereby ORDERED STAYED pending our disposition of the January 31, 2023 Request for Declarations and the February 2, 2023 Supplement submitted by respondent Bishop Stewart Ruch III and his Chancellor.

Further, we respectfully request the Archbishop to communicate this order at once to any such Board of Inquiry he may have selected in this matter.

SO ORDERED

Dated: February 4, 2023



The Right Rev. Julian Dobbs, Presiding Officer, The Provincial Tribunal of the ACNA



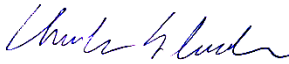
The Rev. Canon Philip Ashley



Mr. Raymond J. Dague



The Rev. Michael Dearman



The Rev. Charles Erlandson



The Rt. Rev. Clark W.P. Lowenfield



Ms. Victoria Netten-Huyer