

# A Pastoral Letter from the Right Reverend J. Jon Bruno

## Bishop of the Episcopal Church in the Diocese of Los Angeles

*This letter is to be read aloud during services on Sunday, January 11, 2009, in all congregations of the Diocese of Los Angeles.*

Grace and peace to you, sisters and brothers in the Diocese of Los Angeles, and to all in the name of our Lord Jesus Christ.

This week's gospel readings bring accounts of good news, of new beginnings made possible through Jesus' baptism by John.

Our own baptismal covenant within the Episcopal Church asks of us these specific questions:

“Will you continue in the apostles’ teaching and fellowship, in the breaking of the bread, and in the prayers?

“Will you persevere in resisting evil, and, whenever you fall into sin, repent and return to the Lord?

“Will you proclaim by word and example the Good News of God in Christ?

“Will you seek and serve Christ in all persons, loving your neighbor as yourself?

“Will you strive for justice and peace among all people, and respect the dignity of every human being?”

To each of these questions, we answer anew, “I will, with God’s help.”

This week we have also received from the California Supreme Court news of a conclusive decision regarding Episcopal Church properties within the Diocese of Los Angeles. Our response to this news remains consistent with our covenant in baptism, and we especially continue to “strive for justice and peace among all people, and respect the dignity of every human being.”

The Court has brought us its determination for justice in litigation spanning the past four years, affirming the 2007 opinion of the Court of Appeal, and confirming that all property is held in trust for the present and future mission of the Episcopal Church.

The introduction to the Supreme Court's decision reads as follows:

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IN THE SUPREME COURT OF CALIFORNIA

In this case, a local church has disaffiliated itself from a larger, general church with which it had been affiliated. Both the local church and the general church claim ownership of the local church building and the property on which the building stands. The parties have asked the courts of this state to resolve this dispute. When secular courts are asked to resolve an internal church dispute over property ownership, obvious dangers exist that the courts will become impermissibly entangled with religion. Nevertheless, when called on to do so, secular courts must resolve such disputes. We granted review primarily to decide how the secular courts of this state should resolve disputes over church property.

State courts must not decide questions of religious doctrine; those are for the church to resolve. Accordingly, if resolution of the property dispute involves a doctrinal dispute, the

court must defer to the position of the highest ecclesiastical authority that has decided the doctrinal point. But to the extent the court can resolve the property dispute without reference to church doctrine, it should use what the United States Supreme Court has called the “neutral principles of law” approach. (*Jones v. Wolf*(1979) 443 U.S. 595, 597.) The court should consider sources such as the deeds to the property in dispute, the local church’s articles of incorporation, the general church’s constitution, canons, and rules, and relevant statutes, including statutes specifically concerning religious property, such as Corporations Code section 9142.

Applying the neutral principles of law approach, we conclude that the general church, not the local church, owns the property in question. Although the deeds to the property have long been in the name of the local church, that church agreed from the beginning of its existence to be part of the greater church and to be bound by its governing documents. These governing documents make clear that church property is held in trust for the general church and may be controlled by the local church only so long as that local church remains a part of the general church. When it disaffiliated from the general church, the local church did not have the right to take the church property with it.

We must also resolve the preliminary procedural question of whether this action is subject to a special motion to dismiss under Code of Civil Procedure section 425.16 — generally called an “anti-SLAPP motion.”<sup>1</sup> We conclude that this action is not subject to an anti-SLAPP motion. Although protected activity arguably lurks in the background of this case, the actual dispute concerns property ownership rather than any such protected activity. Accordingly, this action is not one “arising from” protected activity within the meaning of Code of Civil Procedure section 425.16, subdivision (b)(1). Hence, that provision does not apply.

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<sup>1</sup> The acronym “SLAPP” stands for “strategic lawsuit against public participation.” (See *Equilon Enterprises v. Consumer Cause, Inc.* (2002) 29 Cal.4th 53, 57 & fn. 1.)

We affirm the judgment of the Court of Appeal, which reached the same conclusions, although not always for the same reasons. [end quotation]

Therefore, as Episcopalians in this Diocese, our response is grounded in our commitment to strive for peace that reaches well into the future, with respect for the dignity of all. This applies particularly within the parish communities of Long Beach, Newport Beach, and North Hollywood, as well as in La Crescenta, locations where the Court's opinion has effect upon parishioners and church sites.

The Episcopal Church continues its long tradition of welcoming among its members a diversity of opinion, including loyal dissent. Our church remains a large tent expansive enough to include many views and voices while united in common prayer. Likewise, individuals remain free to choose their own expression of faith, and the Episcopal Church is free to continue in ministry in locations long established as part of this Diocese.

I ask each of us to keep working for reconciliation and renewal within this Diocese, and especially within the continuing Episcopal congregations of All Saints, Long Beach; St. James, Newport Beach; St. David's, North Hollywood; and St. Luke's, La Crescenta. As we move forward, I will announce the scheduling of Liturgies of Reconciliation and Renewal in each of these communities.

Meanwhile, the mission of the Episcopal Church and the Diocese of Los Angeles continues as defined by the Catechism in The Book of Common Prayer (page 855): "The mission of the Church is to restore all people to unity with God and each other in Christ," and we seek to accomplish this especially in providing food, shelter, medicine, and pastoral care to those in greatest need locally and globally.

In this new year, please join me in renewing our shared work of accomplishing this mission, carrying out the promises of our baptismal covenant, and affirming both our faith and our future in this Diocese. May God's peace, with justice, be with us all.