

**THE PROTESTANT EPISCOPAL CHURCH
IN THE UNITED STATES OF AMERICA**

Before the Disciplinary Board for Bishops

Hearing Panel

**In the Matter of Rt. Rev. Samuel Johnson Howard
(Discrimination Matter)**

Statement of Alleged Offenses

The Church Attorney, pursuant to Title IV, Canon 13, Sec. 2 of the Canons of the Protestant Episcopal Church in the United States of America (referred to respectively in this Statement as the “Canons” and the “Church”), submits this Statement of Alleged Offenses.

Procedural History and Jurisdictional Matters

1. On October 19, 2023, the Intake Officer for the Disciplinary Board for Bishops (the “Board”) referred the matters addressed in this Statement to a Reference Panel composed of the Rt. Rev. J. Scott Mayer, Presiding Bishop-Designate; the Rt. Rev. Chilton Knudsen, President of the Disciplinary Board for Bishops; and the Rev. Barbara Kempf, Intake Officer for Bishops. The Rt. Rev. Nicholas Knisely succeeded Bishop Knudsen as President of the Board in Spring 2024, and as a consequence succeeded her as a member of the Reference Panel.

2. The Complainant is [REDACTED]. She was ordained a Priest, [REDACTED]
[REDACTED]
[REDACTED] She also serves part-time
as a non-stipendiary Assisting Priest [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. Upon consideration of the matters presented by the Intake Officer, the Reference Panel referred the allegations for investigation pursuant to Canon IV.11 on November 9, 2023. *See* Canon IV.6.8(c) (option to refer to investigation). The Board thereafter engaged [REDACTED] [REDACTED] (the “Investigator”) to conduct the investigation.

4. On June 4, 2024, the Investigator reported the final results of her work to the Reference Panel.

5. After consideration of the information provided by the Investigator, and after due deliberation, the Reference Panel referred the matter to this Hearing Panel on June 7, 2024. *See* Canon IV.11.3(e) (referral to Hearing Panel).

6. This Hearing Panel was appointed by the President of the Board to hear and adjudicate the matters set forth below, which fall within its jurisdiction pursuant to Canon IV.13.

7. This is an ecclesiastical matter under the exclusive jurisdiction of the Church. *See* Canon IV.19.1. By taking ordination vows and receiving Holy Orders, Respondent consented to subject himself to the jurisdiction of the Church with regard to the adjudication of alleged violations of the Canons. *Id.* Pursuant to the Canons, disciplinary cases involving bishops are investigated, adjudicated, or otherwise resolved by the Board. *See* Canon IV.17.3.a. The Hearing Panel in this matter is appointed to hear evidence and impose any remedy authorized by the Canons. *See* Canon IV.17.5.

Summary of Material Facts

8. The Rt. Rev. Samuel Johnson Howard (the “Respondent”) was elected Bishop Coadjutor of the Diocese of Florida (the “Diocese”) in May 2003 and was thereafter consecrated as the eighth Bishop Diocesan on January 29, 2004. He retired in Fall 2023.

9. From the early days of his episcopate, Respondent clearly stated his views concerning same-sex marriage. He did not condone offering the sacrament of marriage to couples of the same gender.

10. Respondent’s views on homosexuality informed his treatment of gay clergy. Complainant, a partnered lesbian, was limited in her options as a Priest in the Diocese as a direct consequence of discrimination against her based on her sexual orientation.

11. The Church’s views on homosexuality generally, and on the ordination and functioning of LGBTQ+ clergy, have evolved. Much like the changing landscape in the larger culture, the Church’s consensus of what is acceptable and within Christian norms moved over decades from shaming and closeting, to tolerance, to an embrace of a broad range of human sexual expression.

12. Individuals, in the genuine exercise of their faith, have the full right, recognized by the Church, to maintain their deeply held theological or scriptural views about same-sex marriage. Within the Church, despite the shifting of the consensus on homosexual identity and conduct, there remain individuals who in good faith cannot square homosexual behavior generally, or same-sex marriage specifically, with their religious principles. Respondent, who expresses his genuine care for all persons, is one of those individuals. He cannot and should not be compelled to square his religious principles with the consensus that has emerged in the larger

Church. He must, however, maintain the discipline and good order of the Church and exercise the episcopate in accordance with the Canons.

13. The tension between bishops, including Respondent, who continued to oppose gay marriage and those who would allow it was debated and addressed in the Church's General Convention held in Austin, Texas in July 2018. Because marriage is a sacrament of the Church, the question had arisen whether the liturgy of the Church should be expanded to accommodate the marriage of same-sex persons.

14. The proposed change to the liturgy was presented in Resolution B012, ultimately adopted by the General Convention after debate and amendment. Resolution B012 authorized a trial liturgy for same-sex marriage. However, it explicitly recognized that certain bishops did not approve of same-sex marriage as a sacrament. Consequently, it created a mechanism for clergy seeking to perform the marriage rite for same-sex couples to operate under the guidance of another bishop in order to avoid conflict with their own bishop diocesan.

15. In relevant part, Resolution B012 states: "That in dioceses where the bishop exercising ecclesiastical authority (or, where applicable, ecclesiastical supervision) holds a theological position that does not embrace marriage for same-sex couples, and there is a desire to use such rites by same-sex couples in a congregation or worshipping community, the bishop exercising ecclesiastical authority (or ecclesiastical supervision) shall invite, as necessary, another bishop of this Church to provide pastoral support to the couple, the Member of the Clergy involved and the congregation or worshipping community in order to fulfill the intention of this resolution that all couples have convenient and reasonable local congregational access to these rites."

16. Resolution B012 created a vehicle for Respondent to maintain the integrity of his own theological position while allowing the clergy of the Diocese, without the risk of disobeying their Diocesan Ecclesiastical Authority, to obtain episcopal support for the exercise their own judgment to offer same-sex marriage rites and maintain the integrity of their own theological positions.

17. After passage of Resolution B012, and prior to Advent 2018, Respondent called and led a meeting with Diocesan clergy. During the meeting he announced the manner in which the Diocese would implement Resolution B012.

18. Respondent told the attendees that a Priest seeking to perform a same-sex marriage must meet with him in person. The Priest would be required to bring his or her wardens to the meeting with Respondent. At the meeting, the Priest would be required to state directly to the Respondent that he or she understood that the performance of the marriage rite was in violation of his pastoral directive.

19. This articulation of the Diocesan policy was contrary to the purpose, spirit, and intent of Resolution B012, emphasizing disobedience to the Diocesan Ecclesiastical Authority rather than facilitating clerical access to a sacramental rite approved provisionally by the Church.

20. Respondent's reframing of Resolution B012 to emphasize disobedience was consistent with his ongoing unwillingness to grant full participation in the Church to LGBTQ+ clergy. The Diocese, under Respondent's leadership, showed a longstanding bias against full participation by gay and lesbian priests.

21. The issue of discrimination based on sexual orientation emerged in connection with a second Diocesan effort to elect a Bishop Coadjutor in the year 2022. A first Diocesan election held on May 14, 2022, had been identified by a Church Court of Review as having

procedural deficiencies, and the prevailing candidate thereafter withdrew his acceptance of the results.

22. A second election held on November 19, 2022, resulted in the election of the same candidate for Bishop Coadjutor. On November 28, 2022, certain delegates to the Convention submitted to the Secretary of the Diocese a Letter of Objection to the second election.

23. The objectors raised, among other issues, the allegation that Respondent denied canonical residence to at least eleven clergy with cure, actively working in the Diocese, solely on the basis that they did not share Respondent's views on issues such as same-sex marriage. Because canonical residence was a precondition to the right to vote, the denials allegedly skewed the clergy vote and materially affected the election outcome.

24. As provided by Canon, a Court of Review investigated and offered its findings concerning the objections to the second election. The report of the Court of Review was issued January 31, 2023. *See* Report of the Court of Review of the Episcopal Church Concerning the Objections Filed in the Second Election of Bishop Coadjutor in the Diocese of Florida ("Court of Review Report") (found online at <https://www.diocesefl.org/wp-content/uploads/2023/02/English-Findings-of-the-Court-with-Exhibits.pdf>).

25. Regarding the claim that the election process may have been influenced by discrimination based on sexual orientation, the Court of Review found that the Diocese had, under Respondents' leadership, improperly excluded at least three clergy from canonical residence based on either sexual orientation or on their views concerning same-sex relationships.

26. The Court of Review, based on its interviews of other clergy, stated: "our interviews suggest a pattern and practice of LGBTQ clergy and those who opposed the Bishop's

stated views not being treated equally with similarly situated clergy in the securing and exercising of their rights to ordination, licensing and the granting of canonical residency.” It concluded that the second election, which was by a one-vote margin, may have been influenced by the exclusion of gay and lesbian priests and clergy who advocated for their rights. *See* Court of Review Report at 14-15.

27. The findings and analysis by the Court of Review of the facts concerning Diocesan discrimination based on sexual orientation are located at Pages 5 through 15 of the Court of Review Report. Those findings are incorporated by reference into this Paragraph and submitted as if set forth fully herein.

28. Complainant moved her residence to the Diocese in 2017. [REDACTED]

29. Consistent with Church practice and Canonical requirements, Complainant sought to contact the Diocese to report her presence and to discuss how she might best be deployed as a Priest. Through a third person, Complainant was put in contact with the Canon to the Ordinary, the Rev. Allison DeFoor (the “Canon”). Complainant had a brief telephone conversation with the Canon in about September 2017, during which the Canon, who had already been made aware of her sexual orientation, sent a clear message that the Respondent would not likely welcome her as a Priest in the Diocese.

30. The Complainant was at that time and presently is Canonically resident in the [REDACTED]. She had worked in the military and in several diocesan settings where she had made herself known to the Ecclesiastical Authority and had been granted licenses readily after appropriate background checks. The Canon’s statement of Respondent’s position was unlike anything she had encountered in the Church.

31. Complainant endured a period of setback that lasted until 2019, during which she pondered the meaning of the overt hostility to her desire to pursue her vocation, prepared herself to pursue and then obtained secular employment, left all participation in the Church, and then returned to the Church by attending a welcoming parish. She was encouraged by supporters in her parish to resume her efforts to work as a Priest in the Diocese. In 2019, with the assistance of the Bishop of [REDACTED] and the help of the Rector of an Episcopal parish in Tallahassee, Florida, she was able to get agreement from the Canon to have a meeting with her.

32. Complainant met the Canon in person in March 2020. Complainant's sexual orientation as a limiting factor on Complainant's opportunities was again the centerpiece of the conversation. The Canon reiterated the negative message he had delivered in the 2017 phone call but offered the comfort that "he won't be Bishop forever."

33. Complainant offered nonetheless to assist the Diocese through the emerging COVID-19 crisis and continued her efforts to meet with the Respondent. Eventually, with the help of the President of the Diocesan Standing Committee, she arranged a face-to-face meeting with Respondent in March 2021. The meeting took place in the Respondent's office.

34. During the meeting, after initial inquiries about her background, Respondent narrowed the conversation to her partner and their marital status. He asked Complainant if she and her partner were married. Complainant answered in the negative. Respondent indicated that not being married would work in her favor.

35. Complainant did not request acceptance of her Letters Dimissory, certain that such a request would not be granted. However, she stated that she sought a licensed status that would allow her to assist or perform supply work throughout the Diocese, as she had become aware of a need for priests available to do that work.

36. Respondent stated that he would grant her a limited license, performing non-stipendiary work at [REDACTED]. The license was renewable annually and terminable at the discretion of the Respondent. When she suggested that a broader license might be more useful, she was rebuffed.

37. The limitations imposed by Respondent on Complainant's ministry were the direct result of his intent to discriminate against her based on her sexual orientation, and consistent with the Diocesan pattern and practice of discrimination based on sexual orientation reported by the Court of Review.

38. Complainant sought and was granted renewal of the original limited license for the years 2022 and 2023. In 2024, in the aftermath of the Court of Review Report and her own initiation of the Title IV process, she received, without any explanation or discussion, a license that allowed her to work throughout the Diocese.

39. When confronted with evidence of a discriminatory pattern targeting clergy based on sexual orientation or targeting clergy who support the rights of LGBTQ+ clergy, Respondent has denied the existence of any discriminatory intentions or conduct. That denial misrepresents the state of affairs that prevailed during his tenure in the Diocese.

Relevant Canonical Provisions

40. It is the stated policy of the Church since 1996 to prohibit discrimination based on sexual orientation. The policy has evolved and strengthened with the passage of time. It is currently reflected in Canon I.17.5, which relates to the laity, stating: "No one shall be denied the rights, status or access to an equal place in the life, worship, governance, or employment of this Church because of race, color, ethnic origin, national origin, marital or family statue (including

pregnancy or child care plans), sex, sexual orientation, gender identity and expression, disabilities or age, except as otherwise specified by Canons.”

41. The Church prohibits discrimination in employment or employment opportunities based on sexual orientation, as stated in Canon III.1.2: “No person shall be denied access to the discernment process or to any process for the employment, licensing, calling or deployment for any ministry, lay or ordained, in this Church because of race, color, ethnic origin, immigration status, national origin, sex, marital or family status (including pregnancy and child care plans), sexual orientation, gender identity and expression, disabilities or age, except as otherwise provided by these Canons. No right to employment, licensing, ordination, call, deployment or election is hereby established.”

42. The Church prohibits denial of licensing opportunities based on sexual orientation, as stated in the relevant part of Canon III.9.7.a: “No Priest shall be denied such a license on account of the Priest’s race, color, ethnic origin, sex, national origin, marital status, sexual orientation, disabilities, or age, except as otherwise provided in these Canons.”

43. Canon IV.3.1.a. states that a Member of the Clergy shall be subject to proceedings under Title IV for “knowingly violating or attempting to violate, directly or through the acts of another person, the Constitution of Canons of the Church or of any Diocese.”

44. Canon IV.4.1.h.6. prohibits, “conduct involving dishonesty, fraud, deceit, or misrepresentation.”

45. Canon IV.4.1.h.9. prohibits, “any Conduct Unbecoming a Member of the Clergy.”

46. Canon IV.2. defines Conduct Unbecoming a Member of the Clergy to mean, “any disorder or neglect that prejudices the reputation, good order and discipline of the Church, or any

conduct of a nature to bring material discredit upon the Church or the Holy Orders conferred by the Church.”

Offenses Charged

47. Respondent’s denial to Complainant of more than a limited license, permitting only non-stipendiary work in a single parish, being based on Complainant’s sexual orientation, was in direct conflict with the unambiguous Canonical provisions prohibiting discrimination based on sexual orientation, including Canons III.1.2 and III.9.7.a, in violation of Canon IV.3.1.a.

48. Respondent’s denial to Complainant of more than a limited license, permitting only non-stipendiary work in a single parish, being based on Complainant’s sexual orientation, was in direct conflict with the unambiguous Canonical provisions prohibiting discrimination based on sexual orientation, constituting Conduct Unbecoming a Member of the Clergy, in that it directly undermined the good order and discipline of the Church, in violation of Canon IV.4.1.h.9.

49. Respondent’s insistence that his application of the Canons governing non-discrimination to Complainant and to other gay or lesbian clergy was in conformity with the requirements of the Church was a misrepresentation of the actual practice within the Diocese, undermining the good order and discipline the Church, in violation of Canon IV.4.1.h.9.

50. Respondent’s insistence that his application of the Canons governing non-discrimination to Complainant and to other gay or lesbian clergy was in conformity with the requirements of the Church was a misrepresentation of the actual practice within the Diocese, in violation of Canon IV.4.1.h.6.

Wherefore, the Church Attorney respectfully requests that the Hearing Panel, after the taking of evidence, enter an Order imposing such Sentence upon the Respondent as it may determine is proper.

Dated: June 27, 2024

Respectfully submitted,

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