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The History of the 2003 Charter of the Greek Orthodox Archdiocese of America

Spring, 1995 – Archbishop Iakovos appointed an *ad hoc* Charter Review Committee consisting of (then) Bishop Iakovos as the Chairperson, Bishops Anthony & Maximos, members of the Archdiocesan Council and attorneys: Basil Foussianes, Evan Chriss, Andy Vance (now deceased) & myself as well as Fr. Nick Traintafilou.

This Committee met several times, reviewed the '77 Charter thoroughly and prepared a preliminary draft for review & comment by the Synod of Bishops & the Council.

August, 1995 – Archbishop Iakovos resigns his office.

December, 1995/January 1996 – Archbishop Iakovos is instructed by the Patriarchate to neither make nor permit any changes in the Archdiocese. The *ad hoc* committee is advised by the Patriarchate that sanctions will be imposed upon its members if this instruction is disregarded.

The draft Charter distribution does not take place & all work on it ceases.

September, 1996 et seq. – Archbishop Spyridon is enthroned as Archbishop of **America**. Archbishop Spyridon appoints a new Archdiocesan Council – most of the Iakovos Council members are not appointed to it (including me). The Geography of the Archdiocese was changed unilaterally by the Patriarchate without consultation with the Council. No objection is made by the Spyridon Council to this (major) change. The name of the Archdiocese is legally changed to “the Greek Orthodox Archdiocese of America”

Archbishop Spyridon also appoints a Charter Committee with a number of members – none of whom (to my knowledge) have ever worked on the Charter previously nor on the Administration Committee. The only product of this committee was a letter to the Patriarchate saying, in essence, “tell us what you want so that we can draft it in language that will conform with U.S. legal requirements.”

July, 1998 – Clergy-Laity Congress in Orlando. A motion was made & unanimously adopted by the Congress to add one Clergy & one Lay person from each Diocese to the Spyridon Charter Committee. I believe that this action complies with Article XXIV of the '77 Charter which provides that “The charter herein may be revised upon the request of the Archdiocesan Clergy-Laity Congress...” That Article does not specify that the revisions so requested must be specified – therefore, the act of the Congress in voting to add people to the Committee was, *de facto*, a request for revision – otherwise what was the point?? (Although not appointed by Archbishop Spyridon, I was elected by my Diocese to the Council to fill a vacancy and was a Delegate to this Congress)

1999 – Archbishop Spyridon resigns & discharges his appointed Charter Committee. No further action on a proposed Charter takes place.

September/October, 1999 – Archbishop Demetrios is enthroned as Archbishop of the GOA of America. He appoints new Archdiocesan Council members – I am re-appointed to the Council.

October, 1999 – Archbishop Demetrios together with the Synod of Bishops appoint a Charter Review/Drafting Committee comprised of: Met. Iakovos as the Chairperson, Met. Anthony, Met. Maximos, Fr. Demetri Constantelos, Fr. Chris Kerhules (Pres. Of the APC), Dr. Lewis Patsavos (Canon Law professor at Holy Cross), Emmanuel Demos (Legal Counsel to Archdiocese) & myself.

December 15 & 16, 1999 - First meeting of Committee is in Chicago. Discussion of objectives, vision & needs of the Archdiocese for the future takes place (1st day).

2000 - Several drafts are reviewed & revised, Synod of Bishops also reviews & comments.

May 3, 2000 – All day Review of Draft meeting is held at the Archdiocese with the Charter Committee, the Synod and with one Clergy & one lay representative from each Diocese as specified by act of the 1996 Orlando Congress. All Dioceses were represented.

June, 2000 – Text of draft sent to Patriarchate together with request for meeting to discuss. This is first “official” transmittal of the Draft Text to the Patriarchate.

December, 2000 – Preliminary Charter meeting held at Patriarchate following Patriarchal Clergy-Laitry Congress. The Charter Committee was augmented with the participation of all of the members of the Synod of the Archdiocese. The Patriarchal Committee consisted of: Metropolitans, Chrisostomos of Ephesos as Chairman, Met. Joakim of Chalcedon (member of the Holy Synod), Met. Demetrios of Sebastea (member of the Holy Synod), Met. Panteleimon of Tyroloi (attended the Orlando, Philadelphia & Los Angeles Congresses), Met. Meliton of Philadelphia, Met. Athanasios of Ilioupolis and assisted by (then) Archdeacon Tarasios. The Patriarchal Committee expressed dismay that we had drafted a proposed Charter without having first engaged in dialogue & consultation with them. Nevertheless, meetings to discuss the document were scheduled. [NOTE: Although we were greeted by the Patriarch & all sessions were concluded with a dinner hosted by him, he was not present at any of the meetings discussing the proposed Charter.]

2001 – 2002 – Four two day meetings between the Patriarchal Charter Committee & the Archdiocesan Committee were held at the Patriarchate for discussions, negotiations & revisions.

February, 2002 - The Draft Charter is sent to all of the Parishes for review & comment. The comments are reviewed, tabulated & collated.

July, 2002 – Clergy Laitry Congress – The draft Charter is reviewed by the Delegates and both the process & the content are explained to the nearly 800 delegates representing over 320 Parishes of the Archdiocese. This process took 3 ½ hours on Tuesday evening plus over 3 additional hours on Wednesday Morning. At the conclusion of these sessions, a motion was made and unanimously passed that the “Clergy Laitry Congress respectfully submits a request to our Ecumenical Patriarchate that it grant to this Holy Archdiocese the proposed charter with such modifications as will reflect the major concerns expressed by the Archdiocesan Council, the Parishes and by this Clergy-Laitry Congress.” There were four specific recommendations included in the text of the Motion. This was a vote accepting the proposed Charter.

August/September, 2002 – The proceedings of the Congress are sent to the Patriarchate in written form as transcribed from the audio recordings as well as a copy of the video recordings that were made. In addition, all of the comments, recommendations & proposals from the Archdiocesan Council, the Parishes & the Delegates to the Congress were also forwarded to the Patriarchate for its consideration.

January, 2003 – The Patriarchate grants the Charter without including any of the modifications that were proposed excepting that it requires that the Congress be held “at least triennially” (Article 10) but also deletes the 5 year experience in the Archdiocese for candidates for Metropolitan & Auxiliary Bishop (Articles 14 & 15). The Patriarch’s transmittal letter points out the progress of the Archdiocese and specifically states”...when the proper time comes and the adjustment to the new conditions is successfully achieved, the Mother Church will proceed to offer other possible changes, if the conditions at that time show that such changes are useful for a desirable further development and progress in Christ of the Holy Archdiocese of America.” [I wonder if threats of litigation which is contrary to the Canons of the Church are a sign of “further development and progress in Christ?” See the following]

Early 2003 - the OCL begins its campaign to “reject” this “imposed” charter and threatens the Patriarch that it will instruct the Parishes to withhold moneys from the Archdiocese if he refuses to accede to its wishes by Easter.

Following Easter and with no action by the Patriarch on this issue, the OCL threatens litigation against the members of the Executive Committee of the Archdiocesan Council. By late July/August, the OCL has developed a campaign to have at least one Parish in each Metropolis raise the issue of voting, by secret ballot for rejection of the Charter at the 2004 Congress. It is hoped that once a Parish has voted in favor of this proposal, it will then be placed on the Agenda of the Local (Metropolis) Assembly for consideration – and if passed by the Assembly, it will be forwarded to the Archdiocese for inclusion in the Agenda of the Congress.

September/October, 2003 – The OCL, in a letter to the Archbishop, with copies to the Archdiocesan Council, threatens litigation against the Archdiocese if a delegation from the OCL does not meet with the Archbishop and members of the Executive Committee of the Archdiocese to discuss the possibility of “concluding such an agreement”, i.e. to present the issue of the Charter for a vote before the 2004 Congress.

This letter was reported in an interview with Peter Haikalis, the President of OCL, & posted on the OCL web site wherein Mr. Haikalis states: “Litigation is very costly for all concerned, not only monetarily but also in so many other aspects...therefore it is taken only as a last resort after all other efforts have proven fruitless. But, if that is the only course available to preserve for the Greek Orthodox faithful of this Archdiocese their historic role in the governance of their church, OCL is prepared to take the steps necessary.”

February 3, 2004 – A lawsuit, sponsored by the OCL, is filed in New York by 34 (now 31) individuals against the Archdiocese and Archbishop Demetrios. The action requests that the Court declare the Charter granted by the Patriarchate in January, 2003 to be invalid and that the 1977 Charter is the only valid Charter of the Archdiocese. Concurrently, the OCL places advertisements in the Greek/American newspapers asking for donations from the “faithful” to fund the litigation.

March, 2004 – The Archdiocese files a Motion to Dismiss the lawsuit on the grounds of standing of the individuals and on Constitutional grounds. The Plaintiffs reply.

June, 2004 – The Court has taken the Motion to Dismiss under advisement and will rule in due course. There is no set date for this ruling.

This is the status of this matter as of the date of this Memo.

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