

**IN THE DIOCESE OF VIRGINIA
BEFORE THE HEARING PANEL IN THE
TITLE IV MATTER OF
THE REVEREND DR. CAYCE RAMEY, RESPONDENT**

**CHURCH ATTORNEY'S PRE-TRIAL BRIEF AND RESPONSE TO HEARING
PANEL'S DECISION AND ORDER PURSUANT TO CANON IV.13.11**

To assist the Hearing Panel in preparation for its March 1, 2024 ruling as set forth in its February 19, 2024 Decision and Order Pursuant to Canon IV.13.11, and for his pre-trial brief, the Church Attorney states as follows.

WHAT THIS CASE IS ABOUT

The Hearing Panel's province is to determine whether the Respondent has committed the canonical offenses set forth in the Church Attorney's Amended Statement of Alleged Offenses of the Respondent dated August 3, 2023, as quoted below:

Pursuant to Canon IV.13.2 and the Hearing Panel's Order dated August 2, 2023, the Church Attorney states as follows:

1. The Respondent is a priest canonically resident in the Diocese of Virginia.
2. In 2022 the Respondent refused to receive Holy Communion himself and did not celebrate Holy Eucharist or administer it to others, stating that he would not do so again until there is clear proof of repentance and amendment of life in the Episcopal Church regarding white supremacy and racial injustice. And, even assuming for the sake of argument that a priest may refuse Communion to a group (which he cannot), he is required to notify the bishop within fourteen days at the most, giving the reasons for refusing Communion. Respondent did not so notify the bishop.
3. Respondent's actions are Offenses as set forth in Title IV, including but not limited to his duty to abide by the promises and vows made when he was ordained (Canon IV.4.1(c)), his duty to refrain from habitual neglect of public worship and of the Holy Communion according to the order and use of the Church (Canon IV.4.1(h)(8)), his duty to conform to the Rubrics of the Book of Common Prayer (Canon IV.4.1(b)), his duty to refrain from holding and teaching publicly or privately, and advisedly, any Doctrine contrary to that held by the Church (Canon

IV.4.1(h)(2)), and his duty to refrain from any Conduct Unbecoming a Member of the Clergy (Canon IV.4.1(h)(9)).

If the Hearing Panel determines that the Respondent has committed any of these offenses, its second charge is to recommend a sentence to the Bishop. (Canon IV.14.6).

The facts are largely undisputed and will be proven by words from the Respondent's own mouth. See, for example, the eight-page "Prefatory Statement" in his original and amended Responses to the Church Attorney's Statements of Alleged Offenses, all of which the Hearing Panel has before it. The case is about the Respondent's "Eucharistic Fast", "Excommunication" and Title IV.

WHAT THIS CASE IS NOT ABOUT

The Respondent has stated many times and in many places that the case involves theological issues. See, for example, his eight-page "Prefatory Statement". See also his Response to the Church Attorney's Request for Additional Sanctions, filed with this Hearing Panel on February 18, 2024, including Exhibit B, the Respondent's "Leave Your Gift at the Altar: Redoing Eucharistic Theology in Light of Slavery through a Justice-Centered Community," submitted by Respondent to Virginia Union University in February, 2022.

The Respondent also claims that his canonical duties can be superseded by his conscience or sense of a higher authority deriving from his view of the Church's admitted involvement in the slave trade, white supremacy, racial injustice, failure to do reparations, and the like. As bad as that history may be, and it is, it cannot excuse the Respondent's actions and inactions that are at the heart of this Title IV case. Title IV contains no such defenses.

The Hearing Panel's charge is to apply Title IV. It is not a theological debating society. It is not a council of the Church empowered to address theological issues, or to amend or rewrite Title IV. It is not General Convention.

APPLICABLE CANONICAL AND EVIDENTIARY PRINCIPLES

Canon IV.1 states:

By virtue of Baptism, all members of the Church are called to holiness of life and accountability to one another. The Church and each Diocese shall support their members in their life in Christ and seek to resolve conflicts by promoting healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among all involved or affected. **This Title applies to Members of the Clergy, who have by their vows at ordination accepted additional responsibilities and accountabilities for doctrine, discipline, worship and obedience.** [Emphasis added]

Canon IV.3.3 states:

Sec. 3. In order for any conduct or condition to be the subject of the provisions of this Title, the Offense complained of must violate applicable provisions of Canon IV.3 or IV.4 and must be material and substantial or of clear and weighty importance to the ministry of the Church.

In pertinent part, Canon IV.19.1 states:

Sec. 1. Proceedings under this Title are neither civil nor criminal but ecclesiastical in nature. **These proceedings represent the responsibility of the Church to determine who shall serve as Members of the Clergy of the Church, reflecting the polity and order of this hierarchical church. Members of the Clergy have voluntarily sought and accepted positions in the Church and have thereby given their consent to subject themselves to the Discipline of the Church.** [Emphasis added.] They may not claim in proceedings under this Title constitutional guarantees otherwise associated with secular court proceedings.

Canons IV.19.16 and .17 state:

Sec. 16. There shall be a presumption that the Respondent did not commit the Offense. The standard of proof required for a Hearing Panel to find an Offense by a Respondent shall be that of clear and convincing evidence.

Sec. 17. In all matters under this Title, it shall be the burden of the Church through the Church Attorney to establish an Offense by any Respondent.

Canon IV.2 states:

Clear and Convincing shall mean proof sufficient to convince ordinarily prudent people that there is a high probability that what is claimed actually happened. More than a preponderance of the evidence is required but not proof beyond a reasonable doubt.

In addition to the standards set forth in the Hearing Panel's February 19, 2024 Decision and Order, Canon IV.13.10(b)(1) commands that "irrelevant, immaterial or unduly repetitious" evidence be excluded.

Also, Canon IV.13.10 requires the Hearing Panel to "...determine the credibility, reliability and weight to be given to all testimony and other evidence." The proof of the pudding on Respondent's credibility is that (A) the Hearing Panel has already determined that the Respondent violated:

1. Canon IV.3.1(b) (the cooperation canon)

2. Canon IV.13.11(a) (the sanctions canon “to at least the extent of committing conduct contrary to the integrity of the proceedings”)
3. Canon IV.4.1(d) (failing to abide by the requirements of the Disciplinary Board’s February 12, 2024 Order.

And (B), on consideration and reconsideration, the Disciplinary Board reached the same conclusions, twice.

RESPONDENT’S WITNESSES

1. Much of the expected testimony of Respondent’s witnesses is unduly repetitious within the meaning of Canon IV.13.10(b)(1). Seven of the ten witnesses are proposed to testify about the “faithfulness” of the Respondent’s actions, journey, process, and decisions. That testimony is not only repetitious of each other, it is repetitious of the “Prefatory Statement” in Respondent’s Response. It should be excluded.
2. Title IV and the charges against the Respondent are not mentioned anywhere in the Respondent’s Witness List. As stated above, this case is about Title IV. All the witnesses should be excluded because their testimony is irrelevant and immaterial.
3. Seven of the Respondent’s witnesses are proposed to testify about the Respondent’s “faithfulness.” The Respondent will presumably do the same. In the witness descriptions “faithfulness” is a shorthand for sincerity, which is not in issue. But Respondent’s faithfulness to Title IV certainly is in dispute and none of the proposed testimony of any of his witnesses mentions anything about Title IV or faithfulness to Title IV, which is what this case is about. The proposed “faithfulness” testimony is irrelevant and immaterial within the meaning of Canon IV.13.10(b)(1).
4. Sonderregger’s testimony about the state of anti-white supremacy theology in the Anglican Communion and the Episcopal Church, the faithful nature of the Respondent’s Eucharistic Fast, how his fast has challenged and impacted her as a priest in the Episcopal Church and the faithfulness of the Respondent’s journey and process in deciding to engage in his fast, is likewise irrelevant and immaterial. The same is true of all aspects of Weirbach’s testimony.
5. Mercer’s proposed testimony to describe Episcopal clerical formation, her role as Respondent’s thesis advisor for his Master’s thesis at Virginia Union, and her role as a consistent conversation partner throughout his journey and his faithfulness are irrelevant and immaterial. The same can be said of Jefferson’s proposed testimony about the inadequacy of efforts of the Episcopal Church to address white supremacy, Episcopal clerical formation, and the movement of the Holy Spirit in Respondent’s life.
6. The proposed testimony of Taylor and Stanley, both former wardens at All Saints Sharon Chapel, is repetitious, and also suffers from the flaws above.

7. While Bishop Gardner is also on the Church Attorney's Witness List, her testimony, as proposed by the Respondent suffers from the flaws noted above, and her testimony for the Church Attorney will be different.
8. Kinney is a Baptist pastor. Parker is a Presbyterian. They are not Episcopalians, are not qualified to testify about Episcopal ecclesiology, or the polity or order of the Episcopal Church.
9. Kinney's proposed testimony about the "interdependence of academic theology and practical/parish-based theology and life," the Respondent's process "in his three years of working on his D. Min thesis in seminary," "white supremacy and theology, racism and theology and Black liberation theology," the "working of the Holy Spirit" in Respondent's life, and his "faithfulness of his journey and process towards his Eucharistic Fast" is irrelevant and immaterial to any issue in this matter.
10. Parker, a "womanist theologian," is proposed to "describe the generation trauma and ongoing effects of slavery on the Episcopal Church, and others," "the inadequacy of the Episcopal Church's efforts to address white supremacy," the process of the Respondent's thesis project, the movement of the Holy Spirit in the Respondent's life, the faithfulness of the Respondent's "journey and process towards his Eucharistic Fast," all of which are irrelevant and immaterial.

CONCLUSION

The Respondent has not satisfied the requirements the Hearing Panel imposed on him in its February 19, 2024 Decision and Order on the pending Sanctions Motion. Moreover, his proposed witnesses do not satisfy the evidentiary standards of Canon IV.13.10.(b)(1) and IV.13.10. They should be excluded.

Date: February 26, 2024

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