

By letter dated May 13, 2009, the then Chancellors of the Antiochian Orthodox Christian Archdiocese of North America (the “Archdiocese”), Mr. Charles Ajalat and Mr. Robert Koory (Mr. Koory having since resigned), distributed their legal opinion regarding a February 24, 2009, decision by some members of the Holy Synod of Antioch. Their letter (the “Opinion Letter”) was hailed by many in the AOCANA as a bold and principled act of defiance against the North American primate of the Archdiocese, His Eminence Metropolitan Philip, because the Opinion Letter advised that the February 24 decision – and by implication Metropolitan Philip’s implementation thereof – violated the Archdiocese’s self-rule. Subsequent events raise additional legal questions that may need to be answered in Palm Desert, California, during this week’s Archdiocesan convention.

An Open Letter to Charles Ajalat
Chancellor of the Antiochian Orthodox Christian Archdiocese of North America
(the “Archdiocese”)
July 20, 2009

Dear Chancellor Ajalat:

Greetings in the name of our Lord Jesus Christ!

Since you and former Chancellor Mr. Robert Koory issued your [lengthy opinion](#) in May (the “Opinion Letter”), many events have taken place that cast new light upon that opinion, including the following:

- The direct appeals by the bishops of the Archdiocese to His Beatitude Patriarch Ignatius IV of Antioch;
- The invitation by His Beatitude to all of the bishops of North America (except for the Metropolitan) to meet with His Beatitude face to face;
- The subsequent meeting of the Holy Synod of Antioch, during which the Holy Synod voted to accept a statement of clarification regarding the status of bishops in North America (and the controversy that swirled around this event);
- Subsequent telephone meeting of the Archdiocesan Synod here in North America to incorporate the Holy Synod’s clarifications into a compromise statement.

A return to your Opinion Letter and to some of the events and documents upon which it was based, illustrates—with all due respect to your experience in the affairs of the archdiocese for many years and specifically your individual role as

author and advisor of documents related to the archdiocese—some fundamental difficulties with your arguments and the risks these pose to authentic self-rule.

The difficult recent months have revealed in clearer relief some aspects of situation here in the Archdiocese, the composition, role and authority of the Archdiocesan Synod, and our relationship as an archdiocese of the Patriarchate of Antioch and All the East with the Holy Synod of Antioch. Disturbing, credible accounts of the falsification of the recent decision of the Holy Synod of Antioch between the time that the decision was made and the time it was officially reported to the faithful of North America closely paralleled the situation in 2003 and 2004, particularly regarding the alterations reportedly made by Metropolitan Philip to the original, official English language text of the 2003 "Self-Rule Resolution" of the Holy Synod of Antioch (the "Damascus Resolution"). It is impossible to ignore that critically important aspects of the Damascus Resolution — the foundational document of the nature and extent of self-rule granted to the Archdiocese by the Holy Synod of Antioch — were distorted by the changes to the official document before publication, including, among other important aspects, the nature, role and authority of the Archdiocesan Synod and the right of appeal by the bishops composing that Synod. It is further difficult to ignore that these very alterations, which were carried over into the Constitution adopted in Pittsburgh, Pennsylvania, by the Archdiocesan General Assembly in 2004 (the "Pittsburgh Constitution"), continue to undermine the very foundation of self-rule.

The Damascus Resolution, as part of the grant of self-rule to the Archdiocese, provided for the right of appeal by the bishops of the Eparchial Synod (i.e., the Archdiocesan Synod) to the Patriarch of Antioch "who shall be the final judge along with the Holy Synod of Antioch." A number of the bishops of the dioceses in the Archdiocese in fact appealed to the Patriarch of Antioch, His Beatitude Patriarch IV, successor to Sts. Peter and Paul, regarding Metropolitan Philip's interpretation and implementation of the February 24, 2009, decision, which was made by some members of the Holy Synod. By all credible accounts, their appeal was received with serious pastoral and ecclesial concern by His Beatitude and the Holy Synod of Antioch. It is apparent that, following that appeal and the further decision of the Holy Synod of Antioch issued on June 17, 2009, the status of the Archdiocesan bishops is that they are (i) authoritative bishops of specific dioceses as well as (ii) bishops who assist the Metropolitan in administering the entire Archdiocese – as opposed to "auxiliary bishops who must obey the Metropolitan in all matters, including matters pertaining to their specific diocese. It is further apparent that they, along with the Metropolitan, comprise a Synod that is charged with ecclesiological authority in the Archdiocese.

It is instructive to note that the very provision of the Damascus Resolution that provided for the right of appeal and the right of the bishops to attend gatherings of

bishops called by the Patriarch of Antioch was altered in significant and substantive ways before its publication in North America as follows:

- The official unaltered English language version: "Bishops of the Eparchial Synod have the right of appeal of its decisions to the Patriarch of Antioch who shall be the final judge along with the Holy Synod of Antioch. The Bishops of the Archdiocese shall attend the gatherings or synaxis of Antiochian Bishops which may be called by the Patriarch of Antioch."
- The altered version published in the Word magazine (December 2003) and Again magazine (Oct. -- Dec. 2003) and by press release and letter dated October 20, 2003 to each parish of the Antiochian Archdiocese: "In matters of hierarchical discipline, Bishops of the Local Synod have the right of appeal to the Patriarch of Antioch and the Holy Synod. The Archdiocesan Bishops, after consultation with the Metropolitan, shall attend the gatherings or synaxis of the Antiochian Bishops which may be called from time to time by the Patriarch of Antioch."

Clearly, the only appropriate, legal and ecclesiologically sound position for the Archdiocese to take is to rely solely upon the authentic and official English language Damascus Resolution and to reject as without authority the altered document as well as any documentation proffered that relies on the altered version of the resolution.

In the Opinion Letter, you stated that *"The Resolution of the Holy Synod of Antioch granting self-rule to the North America Archdiocese is a simple yet powerful and historic document."* The fact is that the original, authentic official text is indeed a simple, powerful and historic document that empowers the Archdiocesan Synod — the significant point of reference for self-rule. In causing or acquiescing to the manipulation of the Damascus Resolution, you managed to eviscerate the decision of its logic to the detriment — as we now so clearly see — of the Archdiocese's self-rule. As you are well aware, the authority of the Archdiocesan Synod, while occasionally inconvenient to the Metropolitan, is the linchpin of self-rule.

Regrettably, the very limitations attempted by the above-described alteration to the resolution upon which our self-rule is based were incorporated by you into the Pittsburgh Constitution. Subsequently, when the Holy Synod reviewed the Pittsburgh Constitution, the fullness of the logic of the decision of the Holy Synod in the Damascus Resolution was restored through the language with which the Holy Synod amended the Constitution in October 2004. Those corrections, along with other provisions of the approved Constitution, specifically articulate the authority of the diocesan bishops in the Archdiocese.

For reasons that never have been clear, you and Mr. Koory chose to recommend that the Archdiocese ignore the Constitution as amended and approved by the Holy Synod. Instead, you recommended that the Archdiocese accept only the Pittsburgh Constitution as the legal authority in North America, even though it had neither been accepted by the Holy Synod of Antioch nor registered with the State of New York. You, as lawyers, are certainly aware that Metropolitan Philip's statement that the Constitution was "registered" with the State of New York, made to His Beatitude Patriarch IGNATIUS IV in a [letter dated February 11, 2005](#), is false on at least two counts: (1) the Constitution was never filed with the state of New York and (2) the state of New York does not accept for filing the bylaws (what is called the Constitution, here) of any corporation. Nonetheless, you have persisted, and permitted Metropolitan Philip to persist, in this position despite (a) contemporaneous statements to the contrary by and on behalf of representatives of the Archdiocese, (b) the salient provisions of the Constitution of the Antiochian Patriarchate, and (c) the personal [letter dated February 3, 2005](#), from His Beatitude Patriarch Ignatius IV to His Eminence Metropolitan Philip (note that the exact date is not on this letter but is clarified in a [letter dated April 22, 2005](#), from Metropolitan Philip).

It is disappointing that you and Mr. Koory, as licensed attorneys-at-law, even after having been alerted to the fact that the official English language version of the Damascus Resolution had been altered, relied upon the altered version over and over again, most recently in the Opinion Letter. It is both surprising and incredible that on many occasions since, and, specifically in the Opinion Letter, you characterized these differences between the official Damascus Resolution and its altered version as "minor" and on other occasions as "insignificant". These distinctions have proven to be neither minor nor insignificant. Recent events have illustrated how important were the full provisions of the official English language version of the Damascus Resolution, a document that indeed is the "historic touchstone" of the Archdiocese's self-rule.

Chancellor Ajalat, you present yourself as the champion of self-rule, yet as Chancellor you apparently facilitated, allowed or were incomprehensibly unaware that this historic text had been altered and, once informed, you continued to publish and rely upon this altered text even though the altered version undermines the very foundation of self-rule.

Differences between the versions of another key provision illustrate stunningly the erosion of authority that—in the eyes of the Holy Synod of Antioch and in any reasonable understanding of robust self-rule, which requires a local Archdiocesan Synod empowered with proper canonical authority—properly should reside in the Archdiocesan Synod. The Damascus-approved Constitution, Article IV Section 5

states: "All legislative authority is vested in the General Convention of the Archdiocese as approved by the Metropolitan Archbishop *and by the Archdiocesan Synod.*" (Italics added.) With these words, the Holy Synod restored authority of the Archdiocesan Synod that had been omitted in the Pittsburgh Constitution, which states in the parallel section, Article IV Section 4: "All legislative authority is vested in the general convention of the Archdiocese as approved by the Metropolitan Archbishop."

This and many more differences are neither minor nor insignificant, including the continuing nature of the derivation of the ecclesiastical authority of the Archdiocese as an archdiocese of the Patriarchate of Antioch, albeit self-ruled in accordance with the actual decision of the Holy Synod. The situation in the Archdiocese must be corrected by the legislative authority of the members of the Archdiocese. Chancellor Aжалat, as the self-proclaimed champion of self-rule and in your capacity as legal advisor to the Archdiocese, you must finally acknowledge the importance of the fullness of the authority of the Archdiocesan Synod and bring to the floor of the convention the long-delayed and completely appropriate ratification of the Constitution of the Antiochian Archdiocese of North America approved by the Holy Synod of Antioch in the 37th conciliar session held in the Patriarchate -- Damascus October 13-15 2004, a matter that has been before Department of Legal Affairs since October 2004.

Signed

/s/

A Concerned Antiochian Orthodox Christian Lawyer

