

Date: March 24, 2008

To: The Very Reverend Alexander Garklavs,
Chancellor of the Orthodox Church In America

From: Victor Downing, Orthodox Christian, Kodiak, AK

Re: Your Report Concerning Current OCA Crisis and Conditions in Kodiak

CC: The Holy Synod of The Orthodox Church in America, et al.

Father, bless.

Thank you for affording some time to meet with me and others while in Kodiak during the week of March 17, 2008.

I am sending this document because I noticed that:

- You did not take any notes during any of the three meetings I attended with you
- Except for saying that you and I (and others) saw things differently or felt strongly, you never confirmed your understanding of what I (or others) said to you
- You repeatedly misrepresented my (and others') motivation and assertions even though we repeatedly corrected you
- Apparently you had goals different than ours. Specifically:
 - you never referenced or helped us understand the canons
 - you announced that you had not brought the canons with you
 - you brought and distributed extra copies of The Statute of the Orthodox Church in America
 - your first question to our Parish Council (and the only question you pursued with follow-on questions) was this: "How much land do you have here [in Kodiak]?"

Therefore I hope this document helps you when you make your report to the Holy Synod of The OCA.

This document expresses my assessment of several issues relevant to the current crisis in the OCA. Although this document does *not* "speak for" our Parish Council, it is a fair representation of what was said to you in your March 19, 2008 meeting with our Parish Council, as well as in the other two meetings I attended with you.

Our Motivation and Goal

I want to be a contributor to the rebuilding of the Diocese of Alaska and to the rebuilding of confidence in The Holy Synod of the OCA. It is for this reason alone that I have persisted in asking questions: these are the questions that are being asked of me and for which I have been given no answers except “follow orders” and “trust your Bishops.”

My objection –my sole objection—to your presence in Kodiak and to the *de facto* deposition of Bishop NIKOLAI is that *these processes are unnecessarily sudden and violate the canons.*

If a canonical process is followed and Bishop NIKOLAI is deposed, then glory be to God. If a non-canonical process is followed and Bishop NIKOLAI is deposed in fact or in effect, let shame and the fear of God fall on those who allowed that process.

We repeatedly asked you, even begged you, to give us something we can use to explain to our fellow parishioners how it is that Bishop NIKOLAI is not deposed. On 3/19/08 between 11:35 and 11:58 AM you told Deacon Gregory, “He’s (Bishop NIKOLAI) not the ruling Diocesan Bishop by the decision of The Holy Synod of Bishops.” Nevertheless, you repeatedly told us that being exiled from one’s diocese, not being permitted to conduct Holy Eucharist in one’s own diocese, and not being commemorated as Bishop in one’s own Diocese was not a deposition. When we confronted you with our sincere bewilderment with such an apparently illogical explanation, you suggested to us that understanding may be beyond our ability to comprehend (we being only lay persons). And when we implored you to make us less ignorant so that we can resolve the personal agony and havoc such confusion is causing among real people on the ground in Kodiak, you offered only that we should “follow orders.”

Father Isidore Issues

The first, core message I want The Holy Synod to hear is this: ***We want solid, specific, intelligent, verifiable answers so that we can begin rebuilding what has been damaged by the mismanagement of this issue. We don’t care what the answers are... we do care that they be truthful and verifiable and complete and of more substance than “follow orders” and “trust us.”***

The second, core message I want The Holy Synod to hear is this: ***Father Isidore’s drunkenness and related behaviors were damaging... and they are insignificant as compared to the damage done to the credibility of OCA and to our parish (not to mention to the life of Father Isidore) as a result of the ways in which the Holy Synod of the OCA has responded, and is responding, to this issue.***

The third, core message I want The Holy Synod to hear is this: ***Please lead by example and acknowledge management shortcomings and then make them right. We need leaders who will incarnate godly behavior when it comes to the management of controversial issues.***

You provided different answers at different times to questions concerning the management of “The Father Isidore Investigation.” Your most consistent answers were these:

1. I have no explanation for why the OCA has not publicly confirmed that the charges of sexual misconduct have not been corroborated.
2. I have no explanation for why the investigation was ongoing following the failure of witnesses to corroborate allegations of sexual misconduct.
3. I have no explanation as to how Paul Sidebottom’s confidential letter sent to Metropolitan HERMAN on May 25, 2007, at Metropolitan HERMAN’s request (concerning events of May 16-17, 2007) was posted on the Orthodox Christians for Accountability website on August 8, 2007.
4. I have no explanation as to why The Holy Synod failed to at least apologize for the Internet posting of that letter and the damage it did to the Kodiak parish, and to Father Innocent in particular.
5. I have no explanation as to why Paul Sidebottom’s testimony was not finished until January 2008.
6. I have no explanation as to why the committee (of which I am a part) has not completed its report.
7. I have no explanation as to why a matter of the volatility of the Father Isidore investigation has taken more than nine months and still isn’t completed, whereas the *de facto* deposition of Bishop NIKOLAI has been accomplished in less than two months.
8. I have no suggestions as to how I will “administer” the diocese of Alaska, and Kodiak in particular, when I lack the most basic facts associated with the issue that has disintegrated this diocese. (Your only recommendation was that we should “trust our Bishops” and that clergy should “follow orders.”)

Article VI, Section 7: Vacancy in Office

My point is this: ***How can we rebuild confidence in the Holy Synod of the OCA if our Administrator cannot explain why the Holy Synod is violating its own statutes?***

On the evening of March 18, you gave me, The Statute of the Orthodox Church in America. At that time you described this book as the document that “supercedes the holy canons.” N.B.: I objected to your assertion to no avail even though I read the following to you,

“Its [The Orthodox Church in America’s] doctrine, discipline, and worship are those of the One, Holy, Catholic, and Apostolic Church ***as taught by the Holy Scriptures, Holy Tradition, the Ecumenical and Provincial Councils, and the Holy Fathers...*** (The Statute of the Orthodox Church in America, Article I, emphasis added).”

I studied the book you gave me. In Article VI, Section 7, I read:

“The office of Diocesan Bishop shall be declared vacant by the Holy synod in the event of ***death, voluntary retirement, medically certified incapacity, transfer, or deposition by due canonical process.*** (emphasis added)”

- When you were asked, “Has Bishop NIKOLAI vacated his office because of death, voluntary retirement, medically certified incapacity, transfer, or deposition by due canonical process?” you responded, “No.”
- When asked, “Has he been ordered to vacate his office because of any of those causes?” you said, “No.”
- When asked, “Is Bishop HERMAN now occupying the office of Bishop of Alaska?” you said, “Yes.”
- When confronted with the obvious conclusion, “Therefore, isn’t it true that we have two Bishops occupying the same office in Alaska?” you had nothing to say.
- When you were asked to cite examples of Bishops being forced to take a temporary leave of absence (as opposed to requesting a leave of absence and as opposed to being deposed), you responded, “...there are several.” When repeatedly asked to name those examples you could not name one example. When asked, “Why should we have confidence in the actions of The Holy Synod and its Administrator when neither can cite even one example?” you had nothing to say.

Article XI, Section 7, b.: *The Holy Synod and the Judgment of Bishops*

My first point is this: ***We want to rebuild confidence in The Holy Synod and (if you persist as our Administrator) we want to have confidence in you. You need to give us something other than “follow orders” and “trust your Bishops.” We need at least one specific, factual, verifiable cause for trust.***

My second point is this: ***If the Administrator of The Alaskan Diocese who must (among other things) help us rebuild a diocese which has been shaken to distraction by the sudden, de facto deposition of its Bishop who is now being called to New York to face allegations, cannot tell us if the witnesses who initiated this chaos were properly certified, then on what basis can we rebuild confidence in The Holy Synod or have any regard for the administrative abilities of our Administrator?***

“If the accusations [against a bishop] are considered to have substance either by the Metropolitan or by at least three members of the Holy Synod, and after *the accuser’s good character, irreproachable standing in the Church, and motivation have been established*, the accused shall be summoned and judged by the Holy Synod in closed session...” (The Statute of the Orthodox Church in America, Article XI, b., Section 7, The Holy Synod and the Judgment of Bishops, emphasis added.)

When (on March 19) I asked you, “Has the Holy Synod established those three criterion for every accuser of Bishop NIKOLAI?” you said (in this order): yes, no, I don’t know, they must have, I assume they have, I don’t know.

Don’t Mistake Our Devotion For Irresponsible Compliance

My opinions and observations are not –despite your view to the contrary— the result of my “love” for my priest or my bishop. If you will recall, the Parish Council offered several negative commentaries regarding our bishop and our priest, as did our priest.

I think, read, research, and am willing to suffer the consequences of conclusions I have drawn without hiding behind the charisma or intimidation or “orders” of a clergyman... even a bishop. Furthermore, I am not the exception: you learned by meeting with our Parish Council that this parish is served by adults, not “yes-men” and “yes-women.” We are obedient servants of leaders who are plainly obedient to The Holy Scriptures and to the Holy Canons.

We laymen and laywomen from the wilds of Alaska are thoughtful and intelligent and adult *in addition to* being devout and submissive to those rightfully in

authority over us. Likewise, we are as informed as we can be... given the lack of specific, factual, verifiable answers from your office or from the offices of those whom you represent.

Holiness, Not Harmony, Is The Higher Value

The popular view among most OCA clergy and an influential portion of the OCA laity in Alaska is that harmony is the highest value in The Church. According to this view, if there is not harmony between priests and their bishop, or if there is not harmony in a diocese as indicated by “bad press,” then Orthodoxy is imperiled and the bishop must be replaced... *and the existing Holy Canons are not sufficient to accomplish that.* Further, the popular view is that the more widely reported the disharmony, the more serious the threat to Orthodoxy. As a result, public opinion, *not the Holy Scriptures or Canons*, is considered most influential.

This popular view (i.e., harmony is the highest value) is best articulated by Father Michael Oleksa. Father Oleksa is Alaska’s most vocal, most quoted, best known clergyman. In his publication of, “**The First Alaskan Canon**¹.” Father Oleksa has

¹ 3.11.08 Posting on Orthodox Christians for Accountability, which receives at least 40,000 and 42,000 “hits” per day as of March 4 and 5, 2008, respectively, according to Mark Stokoe (March 6, 2008, Ralph Gibbs of The Kodiak Daily Mirror, quoting Mark Stokoe, owner of the site.)

Another Perspective

The Bishop's attempt to reduce the issues in Alaska to procedural issues is gaining little traction. It is, however, producing some interesting writing among those most affected. In a recent email to fellow priests Fr. Michael Oleksa muses;

"I've been reflecting on what we are learning in a positive way about the very nature of the Church as we struggle to resolve the issues in Alaska.

We are re-affirming the conciliar nature of the Church. No one alone can deal with or even raise the issues, but together, at first a few and then the majority of clergy and then hundreds of laity have begun speaking 'with one mouth and one heart.' This was not a plot, organized or devised by some secret revolutionarily (sic) cell. It was unified and determined without being self-serving or angry. The Church spoke to its leadership.

And those leaders responded, taking action in order to strengthen and heal. Presupposed in the intervention of the Holy Synod was a principle perhaps never explicitly articulated at any earlier time. Canons are precisely the expression of what is normal, expected, taken for granted, until the obvious is challenged. Then the Church finds it necessary to clarify Herself. In this sense, canons are not new, nor are they invented, nor do they develop as secular legal precedents do. The canon, so to speak, was always there, as the norm, the way the Church IS, but until a certain conflict or dispute arose, it did not require an explicit formulation.

And what is the 'canon' that we have discovered, a principle that was always there, but for which the Church had no previous need to state emphatically, publicly, clearly? What is the First Alaskan Canon? It seems we have already discovered it:

succinctly described his (and the popular, and as yet officially unchallenged) view of **“the very nature of the Church.”**

This new “canon” includes the following assumptions and assertions:

- The Church is conciliar, but the “councils” are composed of lay persons and clergy whose qualifications are that they are **“unified”** and **“determined”** and are in the **“majority.”**
- These councils **“discover”** new canons.
- “Canons” discovered by these councils are **“the expression of what is normal”** (apparently without reference to Holy Scripture or prior Holy Canons or other writings of The Fathers).
- These councils composed of a unified, determined, majority *are* The Church which, in the case of “The New Alaskan Canon,” **“spoke to its leadership”** (i.e., to The Holy Synod).
- It is now the Holy Synod’s job to “respond” to the initiative of these “councils.”

Sadly, holding harmony among the majority in highest regard *does* characterize events among many OCA clergy in Alaska, especially within the most recent ten months. It is also the view advocated by many lay Orthodox persons, including the members of Saint Innocent’s Academy, of the Bulgarian Orthodox Church.

I am particularly at a loss to explain why you would dine with Saint Innocent’s Academy on March 20, 2008, instead of meeting with the burgeoning youth group of Holy Resurrection Cathedral that evening. I find it especially troubling that you would do so given that the leader of Saint Innocent’s Academy (Father Paisius) suddenly announced to Father Innocent (on September 4, 2007 at 10:00 PM) his refusal to co-celebrate with Father Innocent... *despite the fact Father Paisius co-celebrated with Bishop NIKOLAI in Kodiak during the previous week.* Subsequent to September 4, 2007, Father Paisius refused to give “his people”

'A bishop shall love his diocese as a husband is admonished to love his wife, to offer himself, to suffer and to die for her if necessary. The people of each diocese shall respond in love and respect for their bishop. If the bishop abuses, wounds, harms or scatters the flock entrusted to him, let him be removed from his seat of authority and let the Holy Synod investigate the situation. If he persists in his abuse, let him be suspended. If he defies the authority of his Synod, let him be deposed.'

Perhaps this sort of procedure was assumed, taken for granted in times past. Perhaps it was never necessary for the Church to affirm such an obvious principle. But today, in Alaska, this is the norm, the canon, whether it was ever explicitly formulated before, that has arisen, has appeared as obvious from within our situation. We have learned something new, that was always there, about the Church, and about ourselves."

his blessing to attend The Akathist to Saint Herman in Holy Resurrection Cathedral *until March 20, 2008*... the evening you celebrated your first Akathist to Saint Herman in Holy Resurrection Cathedral.

I observe that at the conclusion (some may say, the apex) of his incarnation Jesus, Our Lord, was far more concerned for alignment with the Truth than He was concerned for social or political or religious harmony... however “unified” and “determined” that ungodly harmony might have been. Certainly His confrontations with The Chief Priests, et al., and with Judas, and even with Peter would confirm this assertion.

Thank You

I realize I have written unpleasant, undiplomatic, confrontational statements. These are also true statements. I have decided to use words like these since my more reserved words did not communicate to you. It is not my intent to inflict pain or embarrassment, although I know those may result from this communiqué. It is not my intent to engender enmity, although this communiqué is not likely to build a friendship. My intent is to be as clear as possible.

I believe you are a well-intentioned man. I am grateful that you didn't “pull rank” or lash out when confronted with difficult questions while in Kodiak. Also, I am grateful for the blessings you afforded me. Thank you.

Victor Downing
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