



RUSSIAN ORTHODOX DIOCESE OF ALASKA

THE ORTHODOX CHURCH IN AMERICA

His Grace the Right Reverend NIKOLAI
Bishop of Sitka, Anchorage and Alaska

March 5, 2008

His Beatitude, the Most Blessed HERMAN
Archbishop of Washington and New York
Metropolitan of All-America and Canada
PO BOX 675
Syosset, NY 11791

“All things should be done decently and in order.” (I Corinthians 14: 40)

Your Beatitude, Dear Vladyka HERMAN, Brother in Christ!

I have received your letter of March 4, 2008 requesting that a reply be given positively to His Beatitude Metropolitan HERMAN within 24 hours, that a leave of absence be embraced, that I immediately vacate the Diocese of Alaska, that a committee including a layperson as well as lower clergy as members be convened to investigate charges against me, and that a priest be appointed to administer the day-to-day affairs of the diocese.

In order to support the steps above, Apostolic canons 74 and 34 are cited. Apostolic canon 74 refers to the discipline of a hierarch who is summoned three times to his synod in order to answer charges, but refuses. Apostolic canon 34 sets forth the authority of a Metropolitan within his synod.

As a diocesan bishop of the Orthodox Church in America, I formally request that if charges are being brought against me, then canonical standards be followed.

In the commentary of St. Nikodemos of the Holy Mountain on the very Apostolic canon 74 cited in your letter, these standards are made clear. When discussing the circumstances under which a bishop is summoned to a synod, and disciplined if refusing a third time to attend, the Hagiorite states that any accusation against a hierarch must be presented in writing. The accuser's character must be examined. All these procedures must take place within the context of a meeting of the synod to which the accused bishop belongs. These points are also completely explicit in canon 6 of the Second Ecumenical Council and the associated commentaries by John Zonaras, Theodore Balsamon, and Alexios Aristenos.

I have attached the relevant canon and the commentaries to this letter of response. The following citations should make the required procedures plain. The canon itself states the following, “If some who are neither heretics or excommunicants, nor condemned or accused of any offense, might allege to have an ecclesiastical accusation against the bishop, the holy synod commands them, *first to present the charge before the bishops of the eparchy, and before them to prove the charges against the bishop on any grounds.*” The Ecumenical Synod states here that any charges must be formally made before the synod, and either proven true or shown to be false.

The Ecumenical Council makes no provision at all for a bishop to be investigated by lower clergy or laity. The constitution of such a “committee” is completely contrary to the synodal structure of Church hierarchy as set forth in canon 6. The central point made is that the accusation is heard and all procedures take place within the context of a synod. Zonaras summarizes well in his commentary, “if the accused might be a bishop, *the bishops of that eparchy coming together will hear the accusation.*” The commentator is clearly referring to a formal session of the bishops, not a telephone conference and certainly not one where the hierarch concerned is not given ample opportunity (at least three invitations) to be present.

In commenting on this provision of the Ecumenical Synod, Theodore Balsamon states, “And when there is such an accuser, the canon does not desire as it were that the bishop or clergyman simply be summoned, but that this take place with every legal observance, and in writing, i.e., by the accuser’s statement making him liable to the same sanction as the accused, unless he would prove the charge being made by him.” The reason given for stipulating such a procedure is summarized by Balsamon, “our enemy Satan never ceased defiling by slander the reputations of good men, and especially bishops.” Such formal procedures, in which those making accusations are examined by the hierarchs of the synod and required to make an attestation to suffer penalties if not proving charges, are a safeguard wisely stipulated by the Holy Fathers of the Second Ecumenical Council to protect the hierarchical ministry.

I do not disobey the chief of the synod, the Metropolitan. Consistent with Apostolic 34, I embrace and follow obediently the synodal ordering of hierarchical authority within the Holy Church.

Consequently, I formally request that the procedures of canon 6 of the Second Ecumenical Council are followed. If there are charges, then let my brother hierarchs examine them formally, determine the character of the accusers, and if the latter persist, then obtain from them written assurances to suffer penalties if their charges are found to be slander.

I beg you, confront me with my sin and I will repent. But confront me with “bad press” or an abrasive “leadership style,” and the most I can do is become a slick politician or politically correct bureaucrat... and that I refuse to do. If my sin is pride, then I will fast, beg Christ for forgiveness, and ask that during the Great Fast that our Lord God will fill my heart with the humility necessary to teach, pastor, and mediate in the Holy Church.

If we do what you recommend, then we are telling the flocks entrusted to our care –and those outside of the Holy Church—that The OCA decides the fate of its hierarchy based on the intensity of opinion expressed in the secular press, behind closed doors, on the Internet or by any means other than that taught by Holy Scripture and the Holy Fathers of Ecumenical Councils. Are we as the shepherds of Christ’s flock to be guided by the opinion that is the loudest or the opinion that is “the best connected?”

Brothers, our management of this issue –the issue being how clergy, and Bishops in particular, respond to allegations—is far more significant than my leadership of the Diocese of Alaska or your leadership of your dioceses. The way we respond will broadcast a clear and irretrievable message to all Orthodox believers in the world as to what The Orthodox Church in America considers the criteria by which the most important decisions are made.

For the sake of the honor of The Church in North America, I beg you to step back, take a breath, and consider the chasm towards which you are pushing The Church.

In closing I have no intention of taking such a leave of absence and permitting an examination by committee which is neither specified by canon nor permitted to my conscience as an Orthodox bishop.

With fraternal embrace and love in Christ, I remain

Your humble and unworthy servant in the Lord,

A handwritten signature in black ink that reads "Nikolai". The signature is written in a cursive, slightly stylized font.

NIKOLAI
Bishop of Sitka, Anchorage and Alaska

Cc His All Holiness Patriarch BARTHOLOMEW
His Holiness Patriarch ALEXEI II
The Episcopate of the Orthodox Church in America