

An Open Letter to the Ethics Committee of the Metropolitan Council,
Orthodox Church in America

August 3, 2011
Holy Protomartyr Razhden of Georgia
(+ AD 457)

Dear Members of the Ethics Committee:

Christ is in our midst!

The troika of contemporary principles—transparency, accountability, and collegiality—that ostensibly undergirds the organizations and operations of the Orthodox Church in America (OCA) is not, unfortunately, evident in the way the Ethics Committee (EC) of the OCA's Metropolitan Council (MC) has addressed my two letters of petition regarding Mr. Mark Stokoe's position on the MC. To be sure, your official reply is courteous, empathetic, and collegial. I am grateful for that. Please forgive me if, despite my intentions, I fail to display a similar spirit and tone in this public missive. I have chosen this course because the issue has already dragged on for months with no just resolution in sight, and I believe it is time for the entire OCA to know the depths of the problem.

The following chronology of events should demonstrate that I have proceeded in the present task quietly behind the scenes, as it were, through the proper channels, methodically, and with all due respect and patience.

- After Mr. Stokoe published excerpts of private, confidential e-mail correspondence between Fr. Joseph Fester and retired Bishop Nikolai (Soraich) on his "OCANews" website on May 1, 2011, under the sinister headline, "The Forces Behind +Jonah," I began immediately to consult with fellow archpriests, other clergy, and laity whose insights and wisdom I have respected for years. When I heard many downplay or even justify Mr. Stokoe's actions in the name of expediency or the very unOrthodox *faux* morality of the "lesser evil," I took the initiative to call Fr. Ted Bobosh, chairman of the MC's EC, to learn how to file an ethics complaint against Mr. Stokoe. The process was simple—a formal letter—but the criteria quite narrow. An ethics complaint against a sitting member of the MC has to be grounded explicitly in the MC's own internal documents: the *OCA Best Practice Principles and Policies for Financial Accountability* (December 31, 2008) and the *OCA MC Council Member's Handbook* (December 2009). Neither provides much more than universal ethical standards such as the classic virtues of "honesty" and "integrity," a general invocation of living one's life "in accordance with the Gospel," and a more modern emphasis on "openness," which is, I suppose, a synonym for the even more contemporary concept of "transparency." Nothing in either document approaches the more exacting requirements for holding office on the parish council in what I gather is the typical OCA parish. That rather thin fare notwithstanding, I submitted my first letter to the EC via e-mail attachment on May 15, 2011, requesting that the EC "recommend that His Grace Bishop Matthias remove for cause Mr. Mark Stokoe as the lay representative of the Midwest Diocese" to the OCA's MC. [See the full text of that document [here](#).].

- When Mr. Stokoe decided on May 20, 2011, to up the ante on “OCA News” by publishing under the title, “Jonah in His Own Words,” Metropolitan Jonah’s “draft agenda and opening talk” for the special meeting of the Holy Synod of Bishops of the OCA scheduled in February in Santa Fe, New Mexico—a document that Mr. Stokoe admitted on his website was “shared . . . with his small circle of intimates” on the eve of the meeting—I concluded that Mr. Stokoe would stop at nothing if he could so brazenly publicize a confidential communication from the Metropolitan himself that obviously was not intended for public display. Accordingly, I sent a second letter of complaint to the EC on May 23, 2011, urging you “to act quickly and decisively before Mr. Stokoe publishes additional purloined communications with the patina of respectability that membership on the Metropolitan Council affords.” The crux of the moral argument was this: “Whether or not Mr. Stokoe’s motives or intentions are honorable, the means he has chosen to accomplish those ends are, by any Orthodox teleological assessment, needlessly harmful to the privacy and personal dignity of the targets of his hostility and beneath the dignity of a member of the Metropolitan Council.” [See the full text of that document [here](#).]
- On June 20, 2011, fully five weeks after my initial letter, I finally received the written reply of the EC (dated June 9, 2011) via confidential e-mail attachment. [See the full text of that document [here](#), which Archpriest David Mahaffey, who chaired the EC’s deliberations concerning my letters of complaint, has, after conferring with the rest of the EC, granted permission for me, the only intended recipient, to make available on the present occasion.] Taking one of your suggestions to heart (“We implore you to offer your most excellent assessment to His Grace, Bishop Mathias, as he is better equipped to answer your complaint.”), I immediately, on June 20, 2011, forwarded my two letters of complaint as attachments to an e-mail to His Grace Bishop Matthias, hierarch of the OCA’s Diocese of the Midwest, with a cc. to his diocesan chancellor, Archpriest John Zdinak. To date I have received only one e-mail from Fr. John in response, with no indication of when or how Bishop Matthias will render a decision.
- In a last-ditch effort to avert a public controversy, I personally implored Mr. Stokoe in a telephone conversation on July 22 to resign quietly from the MC. He adamantly refused to take that noble path and do the right thing. Instead he mockingly asked whether I knew with certainty that neither Metropolitan Jonah nor Fr. Joseph Fester nor retired Bishop Nikolai had forwarded his private, confidential e-mails directly to Mr. Stokoe. There is no hope from that quarter.

The timeline for a decision is crucial with the next semi-annual meeting of the MC scheduled to begin on September 20, 2011. It would be a travesty if Mr. Stokoe were to participate yet again as an honored member of the OCA’s most esteemed clergy-laity body.

With that unhappy prospect looming and to present anew and in more detail the ethical case against Mr. Stokoe’s continued place among those clergy and laymen on whom the Church has vested “honor” and “trust” as “worthy” of the “privilege” of “an invitation to serve” on the MC, I

wish to rebut in sequence the seven reasons that the EC presents for rejecting my request and declining to recommend any action concerning Mr. Stokoe.

1. Though grateful that the EC displayed a generosity of spirit by accepting and investigating my complaint despite your contention in section 1 of your decision that I “do not fall under the category of a qualified respondent,” I am chagrined that you view your mandate as unnecessarily and dangerously circumscribed. If the reference in the OCA’s *Best Practice Principles* to “employees, supervisors and managers” of the OCA is construed to include only members of the MC, Central Administration (CA), “or others deemed involved with the CA,” then the so-called best practices are hardly worthy of the name. Where is the vaunted transparency and accountability of those Olympian entities within the OCA? Does no other priest, deacon, or layman of the OCA, many of whom may also fit the imported corporate language of employee, supervisor, or manager, have the standing to lodge a complaint, based exclusively on moral or ethical considerations, about a member of the MC who has either been elected by an All-American Council of the OCA or chosen by an OCA diocese specifically to *represent* the entire OCA or that diocese? If a senior archpriest such as yours truly is not “qualified” by right of ordination or office to question the behavior of anyone on the MC or CA, and, conversely, only those entities may police themselves, then I submit that the OCA has established a dual or even triple administrative “*magisterium*” where only one, the Holy Synod of Bishops led by the Metropolitan, can claim that prerogative.

2. The ethical argument in section 1.1 of your decision (reiterated in section 2) is, in a word, surreal. Hastily dismissing any culpability on Mr. Stokoe’s part as the recipient of private, confidential e-mails on a “cloud” account (in this case, Gmail) accessed and forwarded without the knowledge or consent of the principals (namely, Fr. Joseph Fester, retired Bishop Nikolai, and Metropolitan Jonah), the EC decision rests on this astonishing conclusion: “It seems to us that the ethical violation occurred at their transfer, not their destination, and thus the guilty party would be one who accessed them in the first place, without the consent of the authors.” Brothers and sister, why do you feel compelled to choose between guilty parties when both are morally culpable? In American jurisprudence someone who, knowingly and freely, receives and benefits from goods stolen or obtained otherwise illegally may be prosecuted for reception or possession of such goods. Similarly, laws concerning the invasion of privacy protect each American citizen from others who would intrude into his private affairs, publicly disclose embarrassing personal information, or create false adverse publicity about that citizen. I know with certainty neither which third party accessed the private, confidential e-mails in question nor how he or she did so, nor am I competent to speculate about the possible legal ramifications of that action. But I am reasonably certain that none of the three principals identified earlier shared his private, confidential e-mails with Mr. Stokoe. Therefore, Mr. Stokoe obtained those e-mails without the knowledge or consent of the principals. The legal standard is, in any case, lower than the ethical one and tangential, at best, to an ethical argument based on Orthodox moral tradition. Mr. Stokoe’s decision to receive and publish private, confidential e-mails on a cloud account without the knowledge or consent of the principals was an *unethical* invasion of privacy, a violation of personal decency, and a betrayal of the persons of the principals themselves—in traditional Orthodox moral terms, an *intrinsic evil*. His motives or ends were irrelevant; the consequences of his action, whether one deems them salutary or unsavory, were irrelevant; the particular circumstances that may have driven him to such a radical action were irrelevant. It is sufficient

for a negative moral judgment that the act of publishing the e-mails in question, Mr. Stokoe's chosen *means* to his desired *end*, was, ipso facto, wrong, unjust, unfair, indecent, and immoral—and, therefore, intolerable behavior by any Orthodox Christian, much less those from whom, as the OCA's own *Best Practice Principles* insist, "the highest standards of honesty and integrity" are expected "in the conduct of their duties."

3. That leads to the third argument in section 1.2 of your decision. The first part of that section is, to put it kindly, disingenuous. Your caveat concerning Bishop Matthias' sole right to decide the issue is misplaced, an unnecessary deflection from the real issue—namely, whether the EC would fulfill what I thought was your duty to provide an initial assessment of unethical behavior by a member of the MC and make a recommendation to the ultimate decision-making authority. From the outset of my petition process to the EC, I have simply requested that you recommend to Bishop Matthias that he remove Mr. Stokoe from the MC for cause, the sooner the better under the circumstances. What is substantively objectionable, however, is the high wall of separation that your argument attempts to construct between Mr. Mark Stokoe, member of the MC, and Mr. Mark Stokoe, editor of OCA News. Even in less troubled times, Mr. Stokoe's dual roles since his election to the MC a few years ago would raise the ethical question of a conflict of interest. How can the same person, on the one hand, participate actively in a body empowered by the OCA Statute to make important recommendations and perhaps some decisions in its own right (subject, of course, to ratification by the Holy Synod of Bishops) and, on the other hand, serve as a self-appointed ombudsman for that body, as well as the OCA's Central Administration and, as we have seen all too painfully vis-à-vis Metropolitan Jonah, the Holy Synod of Bishops and its titular head, the Metropolitan of All America and Canada? In light of the rampant editorializing and *ad hominem* attacks on certain favorite targets of Mr. Stokoe on his website, I am, to be sure, discounting Mr. Stokoe's pretense as a "journalist" who merely "reports" the "news" on OCA "News." The unavoidable, unpleasant reality of that duality is that Mr. Stokoe exploits his exalted role in the OCA as a member of MC to gain credibility for his website, particularly when he claims coyly that he is, through his active participation on the MC, privy to confidential or classified information that he can not disclose, but which he insists, nonetheless, supports his accusations, claims, and other musings. Conversely, Mr. Stokoe frequently dives into the deep end of the OCA pool in a meddlesome way when he pontificates on his website on all manner of issues, practices, organizations, and persons pertaining to the OCA, including the MC and the Holy Synod of Bishops themselves. That bizarre symbiotic commingling of roles and activities becomes especially egregious when he publishes private, confidential e-mails, as he did through the actions that precipitated my letters of complaint, in an obvious attempt to influence the policy, practices, and leadership of the OCA's highest decision-making bodies, including the MC. With all due respect, I submit that your strict separation of Mr. Stokoe's dual roles simply crumbles before the evidence.

4. In section 1.3 of the EC's decision, you chastise me for not highlighting in boldface in my first letter of complaint the section in the OCA's *Best Practices Principles* that reads "in all their dealings with the representatives of the OCA" immediately following "honesty, integrity and openness." However, while echoing the strained dichotomy between Mr. Stokoe, member of the MC, and Mr. Stokoe, editor of OCA News, you actually undermine your own point. As I argue above, Mr. Stokoe's moral offense consists precisely in his website's ill treatment of "representatives of the OCA" in the persons of one senior archpriest and, at the time, dean of the

OCA's St. Nicholas Cathedral in Washington, D.C.; one retired OCA bishop; and the Metropolitan of the OCA. Does public exploitation of a private, confidential document composed by the Metropolitan himself, to cite the most obvious example, not count as personal abuse of a "representative of the OCA"? It is neither prudent nor ethical for the EC to attempt to navigate so deftly between the Scylla and Charybdis of Mr. Stokoe's symbiotic dual roles. Moreover, the absence of complaints from "any member of the MC, Central Administration or related entities" is irrelevant to my petition, which stands on its own merits. Why would the EC decide "to accept and investigate" my complaint in the first place if you had already dismissed it for lack of corroboration by members of the "entities" enumerated above?

5. The main point in section 1.4 of the EC's decision suggests to me that you misconstrued my quotation of the expectation, according to the MC's *Council Member's Handbook*, that MC members should "live in accordance with the Gospel." With all due respect, members of the EC are, individually or collectively, free to infer something about Mr. Stokoe's personal behavior that ought, perhaps, to be under the purview of his confessor or bishop alone. However, I pointed specifically to the evangelical norm cited, happily, in the *Handbook* as additional grounding for the following contention in the penultimate paragraph of my first letter of complaint: "Mr. Stokoe's public action was gratuitous, mean-spirited, unfair, indecent, unethical, lacking moral integrity, and directly opposed to the ethos of the Gospel—a clear abuse of the 'trust' placed in him and a flagrant disregard for the 'highest standards' of service on the Metropolitan Council." The "public action" to which I refer in that sentence was Mr. Stokoe's publication of the private, confidential e-mail correspondence in question. If the EC wishes to tilt at windmills of your own devising, I shall not stand in your way.

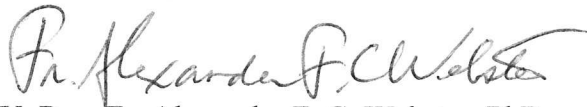
6. Yet another artificial, forced dichotomy appears in the penultimate paragraph of the EC's decision: "Best Practices" as a "duty-based guide for ethical behavior" *versus* "virtue-based ethics, which lies more in the control of the hierarchs than with us." As an Orthodox moral theologian who consistently seeks to apply to contemporary ethical questions, both personal and communal, the Orthodox moral tradition in all its majesty and richness—including the fundamental teleological method of aligning virtuous means to virtuous ends—I would never eschew "virtue-based ethics" as the sole domain of the hierarchs. As our apostolic archpastors, the bishops are invested with the primary teaching and preaching ministry of the Church. But is it not incumbent also upon us lower clergy and laity to seek to maximize virtue and minimize the passions, vice, and sin in our lives and our societies? Moreover, the very phrasing of the passages that I quote from the OCA's *Best Practice Principles* in my letters of complaint is redolent of "virtue-based ethics"—namely, virtues such as "honesty" and "integrity" that are expected to govern MC members' "conduct of their duties." Why would you attempt to separate what even the key "best practices" document of the MC obviously does not?

7. Finally, the EC's decision concludes on what I presume is an unintended sour note. I could say that it includes a gratuitous parting shot about "free speech," but I shall instead submit that you construct another irrelevant straw-man argument that fails to address my own case against Mr. Stokoe's continued participation on the MC. In neither of my letters of complaint nor any conversation in which I have engaged with any member of the EC, MC, CA, or Holy Synod of Bishops have I advanced the notion that OCA News ought to be censored or shut-down by anyone. I have, on the contrary, throughout my entire adult life extolled freedom of the press,

freedom of speech, and freedom of conscience as hallmarks of Western Civilization and the American experience in particular. Mr. Stokoe is, accordingly, like any other American who seeks to influence others, free legally to publish whatever he wishes on OCANews or any other venue as long as he does not transgress the laws pertaining to libel, theft, or invasion of privacy. Whether Mr. Stokoe has acted illegally in the present matter is not for me to determine. However, what ought to be self-evident by now is that he cannot, while serving as a member of the OCA's MC, use his website with impunity to abuse the personal dignity and privacy rights of anyone in the OCA, much less high-level OCA leaders such as Metropolitan Jonah, retired Bishop Nikolai, or Archpriest Joseph Fester. Mr. Stokoe cannot have his website and his seat on the MC, too.

Of course, the ultimate decision in this matter rests with Mr. Stokoe's bishop. If there is one thing on which the EC and I can agree wholeheartedly, it is our mutual hope and prayer that Bishop Matthias will render a just and swift decision.

Yours in Christ,

A handwritten signature in cursive script that reads "Fr. Alexander F. C. Webster". The signature is written in dark ink and is positioned above the typed name.

V. Rev. Fr. Alexander F. C. Webster, PhD
Chaplain (Colonel), U.S. Army Reserve (Retired)