

Training Title

*PARISH CLOSINGS: Building a Powerful and Prayerful Lay Response
(The Boston Experience with Parish Reconfiguration)*

Indianapolis Facilitators

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Goals

- Share information about the Boston response to unjust parish closure
- Highlight best practices for conducting vigils
- Uncover the many facets to a cohesive response
- Point to warning signals you can watch for in your diocese

Agenda

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| Welcome, Prayer, Introduction of Facilitators | (5 min) |
| Boston Background and Parish Responses | (5 min) |
| Vigils | (15 min) |
| The Boston Vigils | |
| Vigil Best Practices | |
| Publicity/Communications | |
| Simultaneous Responses | (15 min) |
| Appeals Procedure | |
| Canon Law | |
| Law Suits | |
| Warning Signals | (5 min) |
| Evaluation and Closing Prayer | (5 min) |

Supplies

None

Handouts

Resource Guide for Closing Parishes, Resource Guide on Canon Law, References to Canon Law Passages

Facilitator's Notes

Welcome, Prayer, Introduction of Facilitators (5 min)

Prayer

O, God may our Church become what it is called to be,

Stewards united above all else in seeking you with all our heart,

In serving you and the Gospel with all our energy,

And in living lives of prayer and gratitude for your many gifts and blessings.

Stir up in us the gift of God, which is within us.

For you did not give us a spirit of timidity, but of power and love and wisdom.

Inspire us, O God, open our hearts and heal our divisions.

For you did not give us a spirit of timidity, but of power and love and wisdom.

May we long continue to be signs of your spirit and witnesses to Jesus Christ, in whose name we pray.

Amen.

Boston Background and Parish Responses (5 min)

Boston Background

- Black Tuesday (in Boston), May 25, 2004
- Three reasons for reconfiguration
- The environment of the Archdiocese and role of the sexual abuse crisis
- Reconfiguration process
- Initial reaction of the 83 parishes
- Meetings, letters, healing services, VOTF Summit meetings
- Appeal process
- Archbishop convened predominantly lay group to investigate the situation

Parish Responses

- Do nothing
- Work collaboratively with sister parishes
- Conduct healing services
- Forum to vent
- Public events
- Appeals to the Archdiocese
- Appeals to Rome
- Consider law suits
- Research Canon Law
- Involve the media
- Multiple attempts to communicate with the Archdiocese

Vigils (15 min)

The Boston Vigils

- o 9 Parishes (of 83) decided to Vigils (24/7 sit-ins in the parish)
- o One stopped early when they were promised “merging” not “closing” (St. Bernard’s)
- o Some parishes appealed quietly
- o St. Albert’s, Weymouth, MA, first to be in vigil
- o St. A’s spread their vigil experiences through VOTF Summit meetings
- o Council of Parishes formed to *support each other* (everyone welcomed)
- o Some vigils were planned and very organized; others were spontaneous
- o Vigils reflected the culture and environment of the parish
- o People (ideally multiple) in the church 24 hours a day
- o Lay led services conducted on weekends; some daily; praying Rosary; Stations of the Cross for Lent
- o Consecrated hosts made available
- o Parish ministries continued where possible
- o Some had family nights, barbeques, pot lucks, movies; all had hospitality
- o Organizers divided responsibilities; participants called to sign-up for duty
- o Parishes had phones, some internet hookups, websites, parish sign-up boards, outlines for lay led services, media and communication boards, etc.
- o Core leadership groups met, developed strategy, and implemented plans
- o All had regular meetings with parishioners to ensure communication
- o Parishes stressed prayerfulness
- o Music helps set mood-sung, played or previously recorded
- o “Telephone tree” and “email tree” for fast response
- o Enlist support of politicians to oppose zoning changes (if needed)
- o Enlist support for National and Local Historical Listing of parish property

Vigil Best Practices

Some of these will not be right for your parish but were found to help ensure our success.

- o There is strength in numbers; collaborate with any and all groups/people
- o For a vigil, a core number of parishioners is essential
- o Organize a “Friends of (St. Albert’s)” to collect money, pay bills, etc.
- o Collect \$\$; you will need it (e.g. consider fundraising event); solicit businesses and larger community as well as good parish friends
- o Set up a “Friends of ___” checking account
- o Run the vigil based on the culture and environment of the parish
- o Vigils are grass roots; use everyone’s skills; everyone should have a role
- o Vigil leadership should be measured and thoughtful and represent the total parish
- o Work hard to avoid divisiveness; the act of vigiling will take its toll
- o Build community: food, hospitality, prayer services, meetings
- o Feed each other actively, in all ways
- o Keep things fresh (you will often get tired, discouraged, and feel defeated)
- o Communications! Communications! Communications! (within the parish; outside the parish; with the media; with each other)
- o Consider incorporating and getting a 501 C3 status (charity)
- o We wanted to be certain that our Vigil was prayerful and our demeanor respectful but firm
- o When interacting with the diocese, get everything in writing

Publicity / Communications

- o Foremost, frequent regular communications with all parishioners is vital!
- o Hold meetings, pot lucks, any event to bring them together for an update
- o Media is a critical participant in this vigil (protest) process
- o Get to know the local (town) media as well as the larger, more influential media; this includes newspapers, TV, radio, etc.
They will use your news story more readily
- o Political representatives should know and support your situation
- o Flood them with letters: the diocese, the newspapers, others
- o Make bumper stickers, signs, buttons (e.g. “Keep St. Albert’s Open”)
- o Make sure you present a measured, thoughtful perspective of the situation
- o 2-3 media spokespersons should have this responsibility for the parish
- o “Train” these spokespersons on how you wish them to deal with the media
- o Hold media events regularly, as a parish, as a group of parishes (“Mass on the Common”)
- o Collaborate with your local VOTF affiliates for support
- o Meet with local law enforcement to ensure they know what you are doing
- o Letters to the Editor-one of most-read sections of the paper, good way to stay in front of the public; even if a negative letter gets in, presents an opportunity for parishioners to respond with their eloquence
- o Plan different types of parish activities, so that the story doesn’t grow “old”
- o Public support (media/communications) is perhaps most essential element of successful Vigil
- o “Telephone tree” and “email tree” for comprehensive, speedy notice/information to parishioners

Simultaneous Responses (15 min)

Appeals Procedure

(Recourse against Administrative Decrees (cc.1732-1739))

- 1) Petition for Reconsideration to your Bishop (10 “useful” days):
If at all possible, hand-deliver your Petition to the Chancery. **Make sure you have the person accepting the Petition sign a Receipt.** If you can't hand-deliver it, make sure it will get there in time, and make sure you get a signed receipt. **If you are late, you can be ignored.** In Boston, many of us filed days early, just to be certain our appeals were received in time. We have heard of Rome denying appeals based on a grant of additional time by the diocese, which Rome chose to ignore. Include ALL your strongest arguments in the Petition for Reconsideration, not just procedural ones. Changes are more likely to come from this level.
- 2) Bishop has 30 days to respond. Time to appeal to Rome begins to run from notification of Bishop's response OR his failure to act, whichever is less. (i.e., if Bishop does not respond, your appeal period begins to run from the end of the 30 days)
- 3) Hierarchical Recourse to the Congregation for the Clergy in Rome (15 “useful” days). The Congregation will NOT accept mail/fedex etc. sent directly to them-serve your Bishop or the Apostolic Nuncio in Washington DC. They will forward. **Once again, get a signed receipt.** Let the Nuncio know (by fax) that you have served the Bishop, if that is the case.

Canon Law

- o Canon Lawyers: it is difficult to locate canon lawyers-most work for dioceses or religious orders, so talk with your parishioners-they have former teachers, friends and relatives who may be or know canon lawyers.
- o The Saint Joseph Foundation in Texas is a non-profit (501 (c) (3) charitable organization, with laypeople who are canon lawyers
www.saintjosephfoundation.org
- o If you don't have a canon lawyer helping you intensively, a lawyer who researches canon law will be a definite asset.

Law Suits

- 1) Claims of ownership. Parishioners own their parishes and assets (see, e.g., <www.stalbertsweymouth.org> “What We Want” for copy of lawsuit)
 - o “Corporation Sole” does not import that bishop owns parish property outright, to use as he chooses (including for diocesan debt). (Affidavit of Nicholas P. Cafardi, Spokane Bankruptcy Case)
 - o May be able to use certified copy of Skylstad and Cafardi Affidavits from Spokane Bankruptcy case to establish canon law support for parishioners' position in motions prior to trial.
 - o Parishes argue that state and federal law limit “corporation sole” ownership to a fiduciary (trustee) obligation towards the trust beneficiaries, the parishioners. Fiduciary cannot act contrary to the interests of beneficiaries (parishes/parishioners).
 - o Pendency of a civil law action with a claim of ownership may lessen parishioners' exposure to an arrest for trespass (and removal from premises). Ownership is bar to conviction on trespass.
 - o Pendency of canon law appeal may gain parishioners protection from removal and arrest.
 - o In Massachusetts, a claim of ownership in (here, parish) property entitles one to a lis pendens, for recording at Registry of Deeds to prevent purchase of property during litigation and canon law appeals.
 - o Restraining orders prevent removal of parish property pending canon law appeal/determination of litigation.
- 2) Additional Tort/Civil Rights/Constitutional Rights Claims
In addition to claims that bishop owns property in trust for parishioners, you might be able to bring claims under your state law for, *inter alia*,: false arrest, false imprisonment, abuse of process, assault and battery, intentional infliction of emotional distress, negligent infliction of emotional distress, and conspiracy to violate parishioners' civil rights (including First Amendment right to free speech and exercise of Freedom of Religion. (We feel these would be viable claims in Massachusetts-see e.g. <www.stjeremiah.org> for letter to Archbishop regarding these claims.)
- 3) Dedicated Gifts
In Massachusetts (and presumably in other states) the Attorney General's office oversees charities, including the application of dedicated gifts. One challenges the use to which the Archdiocese plans to put a dedicated gift by bringing lawsuit in Probate Court to determine the donor's intention, which must be honored according to state law. (Donor's intent also must be honored according to Canon Law canons 121-122-123, e.g.)

Warning Signals (5 min)

- An administrator, instead of a pastor, assigned
- Good priests retaliated against
- Who controls the \$\$, in the parish, in the diocese
- Little or no transparency in the financial status of the diocese (and parish)
- Little or no transparency in other aspects of the diocese
- Little or no communication about the business of the diocese
- A “divide and conquer” strategy of the diocese (keeps laity separated)
- What the diocese (pastor) says is not what they do
- Nothing in writing from the diocese
- Pitting parish against parish
- Fragmentation/Dissent within parish
- Trying to push fast, pre-ordained decisions

Evaluation and Closing Prayer (5 min)

Evaluation

What are some aspects of today's training that:

You liked

You thought went well

You would like to see repeated when this training is offered in the future

What are some aspects of today's training that:

Can be improved (how?)

Should be changed when this training is offered in the future

Prayer

Concerning the why and how and what and who of ministry, one image keeps surfacing: A table that is round.

It will take some sawing
To be round-tabled.
Some redefining
And redesigning,
Some redoing and rebirthing
Of narrow long Churching
Can painful be
For people and tables.
It would mean no daising
And throning,
For but one king is there
And he is a foot washer,
At table no less.

And what of narrow long ministers
When they confront
A round table people,
After years of working up the table
To finally sit at its head,
Only to discover
That the table has been turned round?

They must be loved into roundness,
For God has called a People
Not "them and us".
"them and us" are unable
to gather round; for at a round table
there are no sides
and ALL are invited
to wholeness and to food.

At one time
Our narrowing churches
Were built to resemble the Cross
But it does no good
For building to do so,

If lives do not.

Round tabling means
No preferred seating,
No first and last,
No better, and no corners
For the "least of these".

Round-table-ing means
Being with,
A part of,
Together and one.
It means room for the Spirit
And gifts
And disturbing profound peace for all.

Prayer Ctd.

We can no longer prepare for the past.
We will and must and are called
To be Church,
And if He calls for other than a round table
We are bound to follow.

Leaving the sawdust
And chips, designs and redesigns
Behind, in search of and in presence of
The Kingdom
That is His and not ours.
-Chuck Lathrop

Loving God, We hear your voice calling us to your table, and we are heeding your call. we recognize that this is not a sprint, but a marathon. Please grant us the stamina to sustain the long haul! Please give us the strength, the wisdom and the courage that this will require. Amen.

CLOSING PARISHES HANDOUTS

RESOURCE GUIDE FOR CLOSING PARISHES

Recommended websites:

- 4) St. Albert the Great of Weymouth, MA (with links to other parishes on vigil, lawsuit and canon appeals)
www.stalbertsweymouth.org
- 5) Council of Parishes (Boston, MA Archdiocese)
www.councilofparishes.org
- 6) St. Jeremiah of Framingham, MA
www.stjeremiah.org
- 7) St. Anselm of Sudbury, MA
www.stanselmsudbury.org
- 8) St. James of Kansas, Ohio
www.stjameskansas.org
- 9) Association of the Rights of Catholics in the Church (ARCC)
<http://arcc-catholic-rights.net>

Other St. Albert-related webpages (may inspire useful ideas!):

- 1.) Boston Globe Special Report Closing Parishes: (Bella English's series featuring St. Albert the Great Parish)
<http://www.boston.com/news/specials/parishes/>
- 2)*** Informal Statistical Study (Part II): Roman Catholic Archdiocese of Boston Stan and Eileen Doherty (EileenAndStan@comcast.net)
http://home.comcast.net/~sdoherty12/Statistics_Part2_RCABParishClosings.html
- 3) RCAB website on "Reconfiguration" (aka Church Closings):
http://www.rcab.org/Parish_Reconfiguration/HomePage.html

RESOURCE GUIDE ON CANON LAW

Recommended websites :

- See James A. Coriden's "Do Parishes Have Rights?" on the ARCC website at http://arcc-catholic-rights.net/rights_of_parishes.htm and resources at <http://arcc-catholic-rights.net/resources.htm>
- For samples of administrative recourse appeals, see Model Parish Appeal to Rome (that's the 2nd, hierarchical appeal to the Congregation for the Clergy - Petition for Reconsideration can be based on this also) at <http://arcc-catholic-rights.net/resources.htm>
- Administrative recourse appeals on the websites of members of Council of Parishes.
- See the ARCC site generally <http://arcc-catholic-rights.net>
- Canon Law (Vatican Website): http://www.vatican.va/archive/ENG1104/_INDEX.HTM
- Canon Law (searchable): <http://www.intratext.com/X/ENG0017.htm>
- The Canonical Doctrine of Reception by Rev. James Coriden, J.C.D., Dean Emeritus, Washington Theological Union, Washington, DC <http://arcc-catholic-rights.org/recepcion-reception.htm>

Recommended books:

- NEW COMMENTARY ON THE CODE OF CANON LAW, John P. Beal, James A. Coriden and Thomas J. Green, eds. (Paulist Press, c. 2000) the "Bible" on canon law. \$64+
- AN INTRODUCTION TO CANON LAW, James A. Coriden, (Paulist Press c. 1991) \$16.95 & tax
- THE PARISH IN CATHOLIC TRADITION, James A. Coriden, (Paulist Press c. 1997) \$12.95 & tax (most focused on parish rights)

Recommended articles:

- CLSA Proceedings 60 (1998) 179-223 "The Parish: Community of the Christian Faithful Within the Particular Church," John A. Renken
- *Studia Canonica*, 28 (1994) 293-309, "The Rights of Parishes," Rev. James A. Coriden-esp. fn. 15
- *The Jurist* 53 (1993) 362-370, "Some Canonical Considerations on Closing Parishes," James H. Provost
- *The Jurist* 54 (1994) 22-39, "The Vindication of Parish Rights," James A. Coriden
- *The Jurist* 55 (1995) 875-896, "Parish Closings and Administrative Recourse to the Apostolic See: Recent Experiences of the Archdiocese of Chicago," Thomas J. Paprocki
- *The Jurist* 58 (1998) 171-197, "Contentious-Administrative Recourse Before the Supreme Tribunal of the Apostolic Signatura," Kenneth K. Schwanger (for later in the process)

REFERENCES TO CANON LAW PASSAGES

- Overarching, supreme law in the Church: salvation of souls. (c. 1752)
- Suppression-Bishop must “consult” Presbyteral Council. (c. 515, § 2) Consultation must be ‘genuine’ (c. 369)
- Canons on singular administrative acts (cc. 48-52) and the definition of juridic act (c. 124, § 1)
- Role of the Presbyteral Council (cc. 499-500, 515 § 2)
- Importance of Acquired rights (cc. 4, 36, 38)
- Intention of benefactors and the will of the donors (cc. 121-123)
- Canonical reasons (cc. 51, 120 §1, 699 § 1, 1611, 3°)
- Noetic process (c. 50) “Be attentive” (data), “Be intelligent” (information), “Be reasonable” (proofs), “Act responsibly” (decision)
- Lack of vocations/priests: canon law provides solutions besides suppression - pastor of several (neighboring) parishes, group of priests serving group of parishes, with one as a moderator, deacon-led parish, religious or other lay-lead parish (cc. 156 § 2, 517 §§ 1, 2, 1248 § 2)
- Subreption - reasons given in public must be true or invalidates bishop’s petition to Holy See (c. 63 §1)
- What cannot be done directly, cannot be done indirectly
- “Thou shalt not close vibrant parishes.”
- Must have consent of owners/donors.
- Parish assets cannot be used to satisfy diocesan debts. (Affidavits of Bishop William S. Skylstad and Nicholas P. Cafardi, Spokane Bankruptcy Case, posted on <www.dioceseofspokane.org>, Bankruptcy filings)
- ‘Bishop can be penalized by loss of office for violating canon law’
- (Affidavit of Nicholas P. Cafardi, para 45., Spokane Bankruptcy Case)
- Canon 1292, section two, requiring Separate Vatican approval for disposal of art with great artistic or historic value