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10

11 UNITED STATES BANKRUPTCY COURT
12 EASTERN DISTRICT OF WASHINGTON
13

14 In Re:)

15 THE CATHOLIC BISHOP OF)
16 SPOKANE a/k/a THE CATHOLIC)
17 DIOCESE OF SPOKANE, a)
18 Washington corporation sole,)
19 Debtor.)

20 COMMITTEE OF TORT)
21 LITIGANTS,)

22 Plaintiff,)

23 vs.)

24 THE CATHOLIC BISHOP OF)
25 SPOKANE, et. al.,)

26 Defendants.)
27)

Case No. 04-08822-PCW-11

Adv. Proc. No. 05-80038

**AFFIDAVIT OF
WILLIAM S. SKYLSTAD**

1 STATE OF WASHINGTON)
2) ss.
3 County of Spokane)

4 WILLIAM S. SKYLSTAD, being first duly sworn on oath, deposes and
5 says:
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7 1. I am over the age of eighteen (18) and competent to testify and
8 have personal knowledge to all facts set forth herein.
9

10 **BACKGROUND**

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12 2. I was born on March 2, 1934, in Omak, Washington, and
13 ordained as a Roman Catholic priest on May 21, 1960. I am currently Bishop
14 of the Roman Catholic Diocese of Spokane, Washington (hereinafter
15 "Spokane Diocese").
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18 3. My education is: Pontifical College Josephinum, Worthington,
19 Ohio, 1948-1960 (Bachelor of Arts in Philosophy, 1956; and four years of
20 theological studies, 1956-1960); Washington State University, Pullman,
21 Washington, 1960-61; and Gonzaga University, Spokane, Washington, 1972
22 (M.Ed).
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26 4. My professional experience has been: Assistant Pastor, Sacred
27 Heart Parish, Pullman, Washington, 1960-1961; Teacher, Bishop White
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1 Seminary, Spokane, Washington, 1961-1963 (while teaching at Bishop White
2 Seminary, I also served as temporary administrator of Sacred Heart Parish,
3 Tekoa, Washington); Teacher, Mater Cleri Seminary, Colbert, Washington,
4 1963-1968; Rector, Mater Cleri Seminary, Colbert, Washington, 1968-1974;
5 Pastor, St. Joseph Parish, Colbert, Washington, 1968-1974; Pastor,
6 Assumption of the Blessed Virgin Mary Parish, Spokane, Washington, 1974-
7 1976; Chancellor of the Spokane Diocese, 1976-1977; Appointed Bishop of
8 the Roman Catholic Diocese of Yakima, Washington (hereinafter "Yakima
9 Diocese"), February 22, 1977; Consecrated and installed as Bishop of the
10 Yakima Diocese, May 12, 1977; Appointed Apostolic Administrator of the
11 Spokane Diocese, while remaining as Bishop of the Yakima Diocese, April
12 1989; Appointed Bishop of the Spokane Diocese, April 17, 1990; Installed as
13 Bishop of the Spokane Diocese, April 27, 1990; Elected Vice President of the
14 United States Conference of Catholic Bishops, 2001; Elected President of the
15 United States Conference of Catholic Bishops, 2004.

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24 5. The 1983 Code of Canon Law is the universal law for the entire
25 western or Latin Rite Church, and is currently in force in the United States of
26 America. References to the Code of Canon Law in this Affidavit are to the
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1 current 1983 Code of Canon Law ("CIC"). The applicable canons of the 1983
2 Code referred to by me in this Affidavit are attached to this Affidavit as
3 Exhibit "B."

4
5 **FUNCTION AND RESPONSIBILITIES OF THE OFFICE OF BISHOP**
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7 6. "After consultation with the Christian faithful residing NW of the
8 city of Spokane in the region commonly known as the Suncrest area, it has
9 become evident that their spiritual good will be better served if this
10 community is stably constituted as a parish. Therefore, after consultation with
11 the Presbyteral Council of the Diocese of Spokane and with the juridic
12 representatives of the parishes of St. Mary's Presentation (Deer Park), St.
13 Philip Benizi (Ford) and the Assumption of the Blessed Virgin (Spokane), I
14 hereby canonically establish the Parish of Our Lady of the Lake." This is a
15 portion of a decree that I issued on December 1, 2002, whereby I erected the
16 newest parish of the Diocese of Spokane, Our Lady of the Lake. This
17 initiative was taken because of the growing population of this territory and its
18 anticipated growth. The spiritual welfare of this population was already
19 underserved. Now that the community could enjoy the status of a parish, no
20 longer being served as the mission of an existing parish, new vitality came to
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1 birth. The Diocese acquired property where a church facility could be built.
2 This property as well as the proposed construction of the church will have to
3 be paid for by the parish, but the parishioners of Our Lady of the Lake
4 welcomed this prospect with joy and enthusiasm. A local pastor met with the
5 new parishioners to form within them a sense of what it means to be a parish.
6 The Jesuit priest, who had been chaplain to the community at its mission
7 station (a simple community center where Mass was celebrated) was
8 appointed pastor. The parishioners set about organizing themselves, planning a
9 fund drive and envisioning the kind of church structure they would want.
10 Despite the troubled waters through which the Diocese of Spokane must tread,
11 Our Lady of the Lake is a dynamic community of faith with a vision for its
12 future and the commitment to carry out this vision.
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19 7. This is one vignette of a story that has been told many times over
20 since the Diocese of Spokane was established by the Holy See in 1913: people
21 of faith seeking to live their faith through worship, works of mercy,
22 educational endeavors, commitment to a just society and promotion of all
23 those deepest values in the human heart. Significant institutions in eastern
24 Washington, Gonzaga University and Sacred Heart Hospital to name two of
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1 the more prominent ones, came about in this manner through the vision and
2 commitment of the Society of Jesus and the Sisters of Providence. The 80
3 parishes of the Diocese of Spokane, 15 parochial and inter-parochial schools,
4 and one high school came about and exist today because of the desire of the
5 Christian faithful to live the vision and mission of the Church. In response to
6 the basic imperative of the Gospel to feed the hungry and shelter the homeless,
7 comfort the afflicted and bury the dead, a network of social services ministries
8 now incorporated as Catholic Charities and Catholic Cemeteries of Spokane
9 has arisen. These works of the Gospel, which constitute the vision and mission
10 of the Catholic Church do not simply grow like weeds in an uncultivated field.
11 They are God's garden, planted and watered under the supervision of pastors,
12 with the collaboration of councils and advisory boards, and through the
13 financial, physical and moral support of the Christian faithful. All of this is
14 facilitated by the Church's adherence to the norms, discipline, structures and
15 procedures of the Church's law. Throughout her history from her Biblical
16 origins, through centuries of development in councils and official teaching, to
17 the present day, our Church can be recognized as a community because it
18 adheres to its laws. Although there is legislation apart from its Code (such as

1 in the directives of liturgical books), the principle source of legislation for the
2 Roman Catholic Church is its Code of Canon Law, revised and promulgated in
3 1983 by John Paul II after nearly 20 years of reflection and refinement
4 following Vatican Council II. The late Holy Father presented the purpose of
5 the Church's law thus:
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9 ...the Code [of Canon Law] is in no way intended as a substitute
10 for faith, grace, charisms, and especially charity in the life of the
11 Church and of the faithful. On the contrary, its purpose is rather
12 to create such an order in the ecclesial society that, while
13 assigning the primacy to love, grace and charisms, it at the same
14 time renders their organic development easier in the life of both
15 the ecclesial society and the individual persons who belong to it.”
16 (from *Sacrae disciplinae leges* in the Code of Canon Law, New
17 English Translation, Canon Law Society of America, 1989, pp.
18 xxix-xxx).

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20 In this context, I set forth my responsibilities as Bishop of the Diocese
21 of Spokane. As Bishop of the Diocese of Spokane, I am responsible for
22 the implementation, observance and enforcement of the universal law of
23 the Church (CIC 392). I am also the legislator for the laws and
24 instructions specific to the Diocese of Spokane, which further elaborate
25 the universal law, but must be in accord with it (CIC 391 n.2). Finally, I
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1 am subject to the law, and liable to penalties, including loss of office,
2 through violation of the law (e.g., CIC 1377).
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4 8. Pope Paul VI appointed me as Bishop of the Yakima Diocese and
5 Pope John Paul II appointed me as Bishop of the Spokane Diocese pursuant to
6 CIC 377. I am responsible to oversee the pastoral care and life of the Church
7 in the Spokane Diocese, which geographically encompasses 13 counties in
8 Eastern Washington. My duties as a bishop are summarized by the three
9 general responsibilities of "Sanctifying, Teaching, and Governing." (CIC 375)
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12 9. The Sanctifying mission is primarily carried out through the
13 celebration of the sacraments, especially the frequent celebration of the Most
14 Holy Eucharist with the people of the Spokane Diocese, fulfilling the bishop's
15 role in the Rites of Christian Initiation and the celebration of the ordinations of
16 deacons and presbyters. (CIC 389)
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19 10. Preaching, writing, and pastoral presence in communities are the
20 main ways I fulfill the teaching responsibility. I help to ensure that the
21 Catholic communities share the Catholic faith tradition. As part of that
22 function, I am required to authenticate the Catholic life of the educational
23 institutions in the Spokane Diocese (cc 803 ff.)
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1 11. My appointment to the office of Bishop calls for me to provide
2 governance of the mission of the Church. (cc. 391 and 393) The vision for
3 this oversight is developed through a broad structure of consultation with
4 individuals from throughout the Spokane Diocese. The major consultative
5 groups are: the Presbyteral (priests') Council, the Diocesan Pastoral Council,
6 the Diocesan Finance Council, the School Advisory Council, the Priests' and
7 Deacons' Personnel Boards, the Review Board and another dozen or so
8 advisory groups. The Presbyteral Council and College of Consultors, the
9 Pastoral Council and the Bishop's Finance Council are put in place by the
10 universal law of the Church. Through this consultation I set the mission for
11 each division of the diocesan administration, establish policy, and set short
12 and long term goals to guide the pastoral action of these departments for the
13 good of the whole Diocese. Entities within the Diocese, in particular the
14 parishes, make use of this vision and goals in their own pastoral planning.

22 12. To assist me in the responsibility of governance, a number of
23 administrative divisions or departments have been set up: Business Affairs,
24 Social Ministries, Catholic Schools, Evangelization, the Tribunal and the
25 office of Communications are the principle departments. Each department is

1 under the administrative authority of a "secretary," and this group is
2 collectively called the "Secretariat." Were we to adopt strictly canonical
3 language for the departments and their administrators, we would speak of the
4 diocesan "curia" and the "episcopal council" (cc. 469, 473 §4). Of special
5 importance in exercising my executive power of governance is the vicar
6 general, whose executive authority is equivalent to my own (cc. 475, 479). He
7 presides at meetings of the Secretariat.
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12 13. The bishop, according to Church tradition, ordains some men as
13 presbyters (priests) and deacons, who share in a special manner his three-fold
14 function of teaching, sanctifying and governing. Priests are usually assigned as
15 pastors of parishes after first gaining experience as assistants or parochial
16 vicars. Deacons, by virtue of the sacrament of Holy Orders, (the Order of
17 Deacons) are commissioned for service to material and social needs of the
18 community. Deacons are usually married men of mature age, who undertake
19 this role of service on a part-time, volunteer basis. Some permanent deacons,
20 as they are usually designated, receive an office or a full time ministerial
21 position in the Church. By far, the largest number of persons serving the
22 Church are lay persons, both men and women. Teachers in our schools,
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1 secretaries in parishes, pastoral ministers other than priests and deacons,
2 catechists, personnel of the Catholic Pastoral Center: all of these may be called
3 pastoral agents, for in some manner they further the mission of the Church.
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5 The Diocese encompasses the ministries of various structures or entities:
6 parishes, schools, a seminary, a retreat house, cemeteries, Catholic Charities.
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8 While the bishop exercises governance of the whole of the diocese, the entities
9 within the Diocese exercise a degree of independence and autonomy.
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11 Although priests and deacons share with me the Sacrament of Ordination and
12 carry out the work of the Church under my guidance, we do not have, as it
13 were, a strict "chain of command" whereby subordinates merely follow the
14 orders of the superior. In some instances this autonomy is expressed through
15 civil incorporation. But it is always the responsibility of the Bishop to assure
16 the Catholic identity of the mission of these institutions. To the extent
17 possible, I make pastoral visits to the parishes and entities, especially to act as
18 leader of worship (the responsibility to sanctify) and as teacher of the faith.
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20 Through these visitations I can better grasp the dynamic life of faith lived out
21 in each community and ministry.
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1 14. My pastoral role of teaching, sanctifying and governance also
2 extends in some measure to any Catholic ministry within the 13 counties of
3 Eastern Washington which comprise the Spokane Diocese. I say this with
4 reference to the educational, health care and other works of the Church
5 directed or sponsored by religious communities. While these religious
6 institutes have their own authority and governance structures, within the
7 Diocese we strive for relationships of mutual respect and service to the
8 common end of the good of the Church. As the recognized leader of the
9 Catholic community, I also represent the church to leaders from other religions
10 as well as civic leaders.
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12 15. Finally, part of this governing, teaching and sanctifying role takes
13 place in the context of the larger church. All Bishops of the Church form a
14 college of unity with the Pope, the Bishop of Rome. That unity is ritually
15 affirmed every five years when I travel to Rome to renew that bond with the
16 Holy Father. This unity is also affirmed through my participation in the body
17 of bishops of this country, the United States Conference of Catholic Bishops
18 (USCCB). And so, I return to my particular role of governance, exercised
19 through consultation and collaboration so that "all the affairs which belong to
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1 the administration of the whole diocese are duly coordinated and are ordered
2 to attain more suitably the good of the portion of the people of God entrusted
3 to [the bishop]" (CIC 473 §1)
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6 16. Besides its canonical erection by the Holy See, the Diocese of
7 Spokane is also established as a corporation sole according to Washington
8 State Law. In the articles of incorporation, the Bishop of Spokane, a
9 corporation sole, is assigned the duties and powers including "holding
10 property in trust," and "to receive bequests for its own use or upon trusts."
11 (Articles of Incorporation, III.) "This incorporation is a religious corporation,
12 not organized for gain and is without capital stock, all property held by it
13 being in trust for the use, purpose, benefit and behalf of the Roman Catholic
14 Church of the Diocese of Spokane, in the state of Washington." (Article V).
15 The corporation sole statute is in conformity with canon law because the
16 Bishop is not the owner of ecclesiastical property. He holds title to it "in trust."
17 Some of this property held in trust belongs to the canonical entity or juridic
18 person of the Diocese of Spokane. Most of this property held in trust belongs
19 to the canonical entities or juridic persons that constitute the parishes of the
20 Diocese of Spokane. The Bishop of Spokane is the immediate administrator of
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1 the property of the Diocese of Spokane; he assigns pastors as administrators of
2 parish property, and issues regulations concerning their administration. All
3 administrators of church properties are responsible for good stewardship of
4 church property that is exercised in accord with canon and civil law.
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7 **RELATIONSHIP BETWEEN THE DIOCESE AND THE PARISHES**
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9 17. It is important to note that the Roman Catholic Church does not
10 understand its structures in terms of a corporation, but rather in terms of a
11 government. Though we have a unique corporate form for civil purposes, the
12 corporation sole, we are structured more in lines with a government in order to
13 fulfill the mission of Jesus Christ through the three- fold ministries of
14 sanctifying, teaching and governing. This system of governance predates the
15 civil law of the United States by more than one thousand years and does not
16 easily fit into its categories. The following is a very brief attempt to explain
17 the complex relationships between Diocese, Parishes, Bishops and Pastors.
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23 18. A diocese is defined in the following canons of the Code of
24 Canon Law:
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- 26 A. CIC 369 – A diocese is a portion of the people of God
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28 which is entrusted to a bishop for him to shepard with the

1 cooperation of the *presbyterium* [i.e., priests], so that,
2 adhering to its pastor and gathered by him in the Holy
3 Spirit through the gospel and the Eucharist, it constitutes a
4 particular church, in which the one, holy, catholic and
5 apostolic Church of Christ is truly present and operative.
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9 B. CIC 372, §1 – As a rule, a portion of the people of God
10 which constitutes a diocese or other particular church is
11 limited to a definite territory so that it includes all the
12 faithful living in the territory.
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15 C. CIC 373 – It is only for the supreme authority to erect
16 particular churches; those legitimately erected possess
17 juridic personality by the law itself.
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20 D. CIC 375, §1 – Bishops, who by divine institution succeed
21 the place of the Apostles through the Holy Spirit who has
22 been given to them, are constituted pastors in the Church,
23 so that they are teachers of doctrine, the priests of sacred
24 worship, and ministers of governance.
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1 §2 – Through episcopal consecration itself, bishops receive
2 with the function of sanctifying also the functions of
3 teaching and of governing; by their nature, however, these
4 can only be exercised in hierarchical communion with the
5 head and members of the college.
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9 E. CIC 377, §1 – The Supreme Pontiff freely appoints bishops
10 or confirms those legitimately elected.
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12 F. CIC 393 – The diocesan bishop represents his diocese in all
13 its juridic affairs.
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15 19. Thus, a diocese is first of all a portion of the people of God, not a
16 territorial entity, although the issue of territory is not absent from its
17 definition. The bishop, with the cooperation of presbyters (priests), nurtures
18 the faith of this portion of the people of God. This entity (a diocese) is,
19 furthermore, endowed with “juridic personality.” This concept of juridic
20 personality is critical in appreciating the relationship between diocese and
21 parish.
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26 20. Concerning the canonical entity called the parish, the following
27 canons provide a definition and description:
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1 A. CIC 374, §1 – Every diocese or other particular church is
2 to be divided into distinct parts or parishes.
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4 B. CIC 515, §1 – A parish is a certain community of the
5 Christian faithful stably constituted in a particular church,
6 whose pastoral care is entrusted to a pastor (*parochus*) as
7 its proper pastor (*pastor*) under the authority of the
8 diocesan bishop.
9

10 §2 – It is only for the diocesan bishop to erect, suppress, or
11 alter parishes. He is neither to erect, suppress, nor alter
12 notably parishes, unless he has heard the presbyteral
13 council.
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15 C. CIC 518 – As a general rule a parish is to be territorial,
16 that is, one which includes all the Christian faithful of a
17 certain territory. When it is expedient, however, personal
18 parishes are to be established determined by reason of the
19 rite, language, or nationality of the Christian faithful of
20 some territory, or even for some other reason.
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1 D. CIC 519 – The pastor (*parochus*) is the proper pastor
2 (*pastor*) of the parish entrusted to him, exercising the
3 pastoral care of the community committed to him under the
4 authority of the diocesan bishop in whose ministry of
5 Christ he is called to share, so that for that same
6 community he carries out the functions of teaching,
7 sanctifying, and governing, also with the cooperation of
8 other presbyters (priests) or deacons and with the
9 assistance of lay members of the Christian faithful,
10 according to the norm of law.

11 E. CIC 523 – Without prejudice to the prescript of CIC 682,
12 §1, [concerning the appointment of a member of a religious
13 order to ecclesiastical office] the provision of the office of
14 pastor belongs to the diocesan bishop, and indeed by free
15 conferral, unless someone has the right of presentation or
16 election.

17 F. CIC 532 – In all juridic affairs the pastor represents the
18 parish according to the norm of law. He is to take care that

1 the goods of the parish are administered according to the
2 norm of cann. 1281-1288.
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4 G. CIC 522 – A pastor must possess stability and therefore is
5 to be appointed for an indefinite period of time. The
6 diocesan bishop can appoint him only for a specific period
7 if the conference of bishops has permitted this by a decree.
8 (In dioceses of the United States, bishops may appoint
9 pastors for a term of six years. A pastor appointed for an
10 indefinite period of time cannot be removed from office
11 without due process of law as contained in cc. 1740-47. A
12 pastor appointed for a fixed term cannot be removed during
13 this term without following the same process.)
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20 21. As is the diocese itself, so is the parish first of all a portion of the
21 people of God. The parish is established by the diocesan bishop, but entrusted
22 to a parish priest (pastor). As with the diocese, the parish is also endowed by
23 the law itself with “juridical personality.”
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26 22. Parishes exist primarily to foster the faith of the community and
27 its apostolic activity: its worship, educational endeavors, its works of mercy,
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1 imbuing the society with the spirit of the Gospel. Parishes reach beyond
2 themselves in their apostolic activity. This is often expressed through the gift
3 of money in support of the church and the good of the human community in
4 other parts of our country and our world.
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7 23. Parishes do not exist as "profit centers" for the Diocese. The
8 Diocese does not exist to increase its material value through revenue generated
9 by the parishes. Rather, the revenue contributed by parishes to the Diocese
10 supports services at the diocesan level that foster the mission of the parishes.
11 For instance, the Diocese provides the professional services of a person
12 equivalent to a superintendent of schools, who assists local parochial schools
13 to develop curriculum, hire and evaluate teachers and principals, and maintain
14 compliance with state laws governing education.
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19 24. The pastor does not function autonomously, but in a relationship
20 of collaboration and cooperation with the bishop, who appoints him to his
21 office, and with the people of the parish of which he is the lawful
22 representative.
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1 25. Because the parish is by the law itself a juridic person, the
2 property, assets and goods that it acquires belong to it. This concept of a
3 juridic person needs further elaboration:
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6 A. CIC 113, §1 – The Catholic Church and the Apostolic See
7 have the character of a moral person by divine ordinance
8 itself.
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10 §2 – In the Church, besides physical persons, there are also
11 juridic persons, that is, subjects in canon law of obligations
12 and rights which correspond to their nature.
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15 B. CIC 118 – Representing a public juridic person and acting
16 in its name are those whose competence is acknowledged
17 by universal or particular law or by its own statutes.
18 Representing a private juridic person are those whose
19 competence is granted by statute.
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23 26. Under canon law, the Spokane Diocese is a public juridic person,
24 accorded that status by the law itself (CIC 373). As Bishop of the Spokane
25 Diocese, I am its legitimate representative in juridic matters (CIC 393). Each
26 parish is also a public juridic person, accorded that status by the law itself
27

1 (CIC 515, §3). The legitimate representative of each parish is the pastor (CIC
2 532). It is inadequate and incorrect to assert that a parish is merely a territorial
3 portion of a diocese, because a parish enjoys the status of a juridic person.
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6 27. When I speak of juridic persons, it is important to realize that
7 these are “creations of the law.” But as legal entities, canon law accords them
8 certain qualities like natural persons. They are “subjects in canon law of
9 obligations and rights which correspond to their nature.” Among those rights
10 is the right to acquire, administer and alienate goods and assets. This is done
11 through the one who represents the juridic person. Canon law carefully
12 maintains the separate nature and autonomy of juridic persons, while at the
13 same time recognizing the authority and oversight that a bishop must exercise
14 with respect to them. This is very clear in the acquisition, ownership and
15 administration of goods.
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21 A. CIC 1256 – Under the supreme authority of the Roman
22 Pontiff, ownership of goods belongs to that juridic person
23 which has acquired them legitimately.
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26 B. CIC 1279, §1 – The administration of ecclesiastical goods
27 pertains to the one who immediately governs the person to
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1 which the goods belong unless particular law, statutes, or
2 legitimate custom determine otherwise and without
3 prejudice to the right of the ordinary to intervene in case of
4 negligence by an administrator.
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7 28. The bishop is the one who immediately governs the juridic person
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9 of a diocese. The pastor immediately governs the juridic person of a parish.
10 The bishop does not own the goods of a diocese, and the pastor does not own
11 the goods of the parish. Ownership pertains to the juridic person itself. The
12 responsibility of administration of the goods is exercised by its administrator.
13 This administration is regulated by canon law, especially through the institute
14 of the finance council. These councils are mandated by law for both the
15 diocese and the parish.
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19 A. CIC 492, §1 – In every diocese a finance council is to be
20 established, over which the diocesan bishop himself or his
21 delegate presides and which consists of at least three
22 members of the Christian faithful truly expert in financial
23 affairs and civil law, outstanding in integrity, and
24 appointed by the bishop.
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1 29. At the diocesan level, there is a finance officer, whose
2 responsibility is “to administer the goods of the diocese under the authority of
3 the bishop in accord with the budget determined by the finance council and,
4 from the income of the diocese, to meet expenses which the bishop or others
5 designated by him have legitimately authorized.” (CIC 494, §3). There is also
6 a group of priests constituting the college of consultors that has a voice in
7 some areas of financial administration. (Cc. 502, 494, 1277, 1292). In point of
8 fact, the Diocesan Finance Council and the College of Consultors possess
9 more than a “consultative vote” in certain financial transactions. “[The bishop]
10 needs the *consent* (emphasis added) of the finance council and of the college
11 of consultors to place acts of extraordinary administration” (CIC 1277).
12 Furthermore, in accord with canon 1292, the bishop must have the *consent* of
13 these groups to alienate property of the diocese above an established amount.
14 For a diocese the size of Spokane, that amount is \$500,000 as established by
15 the Conference of Bishops. Moreover, he must *also* receive permission from
16 the Holy See to alienate goods in excess of \$5,000,000. These same rules of
17 consent “must be observed not only in alienation but also in any transaction
18 which can worsen the patrimonial condition of a juridic person” (CIC 1995)
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2 30. In addition, in each parish there is to be a finance council which
3 is governed, in addition to universal law, by norms issued by the diocesan
4 bishop and in which the Christian faithful, selected according to these same
5 norms, are to assist the pastor in the administration of the goods of the parish.

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8 (CIC 537)

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10 31. CIC 537 illustrates the principle of subsidiarity and the
11 responsibility of oversight, which is proper to the role of the bishop. The
12 bishop does not administer the goods of the parish. The proper pastor of a
13 parish does. However, the pastor's administration is carried out according to
14 universal law, and the norms issued by the bishop, which we have established
15 for the Spokane Diocese, and in collaboration with the parish's finance
16 council. My responsibility as Bishop is not one of control, but of oversight, as
17 stated in CIC 1279, and in CIC 1276, §1. "It is for the ordinary [i.e., diocesan
18 bishop] to exercise careful vigilance over the administration of all the goods
19 which belong to public juridic persons subject to him...."

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25 32. In my capacity as administrator, I do not have the unfettered right
26 to alienate the goods of the Spokane Diocese, much less any right to alienate

1 the goods of a parish. Likewise, a pastor does not have an unfettered right to
2 alienate goods of the parish.
3

4 33. The assets strictly defined as property of the juridic person of the
5 diocese and those assets belonging to the juridic persons of the parishes are
6 not my assets and not subject to my control in an unfettered manner. When a
7 bishop acts as the trustee, for example in the sale of parish property, he does
8 not act as its owner. The parish is the owner and receives the benefit of the
9 sale.
10
11
12

13
14 **RELATIONSHIP BETWEEN BISHOP**
15 **AND HOLDERS OF ECCLESIAL OFFICE**
16

17 34. It is important to distinguish the relationship of the bishop with
18 priests and his relationship to those who hold ecclesiastical office, e.g. pastors.
19 The relationship of a priest (presbyter) to the bishop is described in CIC 384
20 wherein they are described as assistants and counselors to the bishop. The
21 bishop also has responsibility to see to it that they are supported in a decent
22 way. Once a priest receives ecclesiastical office then the responsibility to
23 provide support comes from the juridic person for whom he holds the office.
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25
26
27 (Cf. CIC 195)
28

1 35. The relationship of the bishop to a person holding ecclesiastical
2 office, or a pastor of a parish, is quite different from a relationship to one who
3 is a presbyter without office. First the bishop is responsible for appointing
4 people to ecclesiastical office, in this case to the office of pastor. (CIC 524)
5
6

7 36. As Bishop of the Spokane Diocese, I carry out this responsibility
8 with the assistance of the Priests' Personnel Board which assists me in the
9 investigation process and discernment of all the circumstances of a particular
10 appointment.
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12

13 37. Once an appointment has been made, the relationship between the
14 bishop and a pastor is governed by the canons for holders of ecclesiastical
15 office. (CIC 145)
16
17

18 38. Once in the office of pastor, the priest has similar responsibilities
19 toward the parish as a bishop does to a diocese. CIC 519 describes the
20 functions of pastor using the same language as I noted earlier: he is
21 responsible for "teaching, sanctifying, and governing."
22
23

24 39. The pastor is not to be considered an employee of the parish, but
25 as holder of the office he is the juridic representative of the parish. This might
26 be better understood as similar to the status of an elected official in our civil
27
28

1 system of government. The status of the pastor is primarily one of holding
2 office, rather than as employee. This relationship continues until such a time
3 that the pastor ceases from office according to the norm of law. (CIC 538)
4

5
6 40. The pastor's remuneration as juridic representative and
7 administrator of the parish comes directly from the parish.
8

9 **FUNCTION OF PASTORS IN PARISHES**

10
11 41. As are the other relationships in the Church governed by canon
12 law, so is the relationship and duties of a pastor towards the parish where he
13 holds office. The fundamental role of the pastor in the parish is to proclaim the
14 word of God and provide liturgical and spiritual ministry, pastoral care and
15 leadership development. (CIC 528) Other responsibilities of the pastor are
16 liturgical presidency (CIC 530), parish management (CIC 532), parish
17 planning and consultation (Cc. 536 and 537).
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22 42. Of particular interest regarding the function of pastors in parishes
23 are two final canons. CIC 536 provides for the establishment of a pastoral
24 council in each parish, over which the pastor presides and in which the
25 Christian faithful, together with those who share in pastoral care by virtue of
26 their office in the parish, assist in fostering pastoral activity. This council
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28

