

TRANSLATOR'S NOTE:

This is a translation of the Decree of the Congressio of the Apostolic Signatura, written in Latin, and issued on April 18, 2008, in Rome. The Congressio is a panel of the full bench of the Signatura (the "Plenary"), and it screens appeals for review of decisions by lower bodies, including the Congregation for the Clergy.

This decree is the Congressio's decision regarding the canonical appeal by the parishioners of St Anselm, Sudbury, Roman Catholic Archdiocese of Boston, to the Supreme Tribunal of the Apostolic Signatura, against the suppression of their parish.

The items below in square brackets and in italics are translator's comments or clarifications.

The items below in round brackets are from the decree, consisting of canonical citations.

All bolded items are from the decree.

DECREE

1. The parish of St Anselm was set up in the year 1963 with a small territory, partially in the town of "Sudbury" and partially in the town of "Framingham." In the year 2000 the Rev. Pastor was nominated to simultaneously have care for a community of the deaf in the town of "Framingham," which community in the year 2002 was transferred to the seat of the parish. The parishioners took care to adapt and to renovate the buildings of the parish in the year 2003.

Moreover His Excellency the new Archbishop of Boston, have heard among other things from the college of consultors present and acting through the Presbyteral Council (cf. canon 501, ¶ 2), on January 9, 2004 announced to Christ's faithful of the archdiocese the need to reduce the number of parishes in the entire archdiocese, especially because of the changed demographic condition, the diminished number of priests and the very bad economic condition of some parishes and of the archdiocese itself. In fact the parish of St Anselm did not participate in the local committee on the configuration of parishes being reviewed in the town of "Sudbury," but strongly opposed its [*St Anselm's*] suppression. The Rev. Vicar forane, His Excellency the auxiliary Bishop for that region

and the central committee for the reconfiguration of parishes next recommended the suppression of the parish of St Anselm.

On this matter the Presbyteral Council was heard on May 7, 2004, where in short no one objected to this suppression. The reasons proposed for the suppression of St Anselm were these: “Extremely small parish. Easily absorbed into both Our Lady of Fatima in Sudbury and St George in Saxonville {Framingham}” [*sic, in English*].

His Excellency the Prelate [*the Archbishop*] next on May 24, 2004, communicated together with the Rev. Pastor the decision to suppress the parish, with effect from the 15th day of the following month, establishing that the territory of the suppressed parish in the town of “Sudbury” [*was*] to be entrusted to the parish of the B.M.V. of Fatima in the same town, to which were to be transferred the parochial records, and the territory of the suppressed parish in the town of “Framingham” assigned to the parish of St George at the same time. His Excellency the Archbishop later on September 1, 2004, transferred the pastoral care for the community of the deaf to the parish of Sacred Heart in the locality of “Newton.” On the other hand there is no appeal against this last decision [*the deaf community transfer*].

Having received the decree of suppression of the parish, Mr. J. Ryan, in the name of the pastoral council of the parish, brought forward a remonstratio [*first appeal to the bishop*], who on September 8, 2004, denied the requested suspension of his decree and on the 17th of the same month rejected the remonstratio. Having received the response, Mr. J. Ryan and a few other parishioners on October 6, 2004, appealed to the Congregation for the Clergy. Mr. Ryan himself next on June 7, 2005, presented a supplementary appeal. Moreover His Excellency the Archbishop on June 22, 2005 assured that Dicastery [*the Congregation for the Clergy*] that the church of St Anselm would remain open for divine worship.

Relative to the goods of the suppressed parish the Rev. Pastor of St George on November 26, 2005 donated to the archdiocese goods originating from the suppressed parish, which, with the church of St Anselm and its care confided to the archdiocese, it seemed just to

leave the goods of the parish of St Anselm to be in whose care the church is confided. The Rev. Pastor of B.V.M. of Fatima, in his turn, on November 28, 2005 ceded the goods originating from the suppressed parish to the archdiocese.

The Congregation for the Clergy, finally, on November 30, 2005, confirmed the suppression of the parish, but not on the one hand the decision of the Archbishop concerning the goods of the suppressed parish, but in fact at the same time ruled that it would not consider a broadening of the subject in dispute in the matter, since in the meantime all of those goods had been turned over to the parishes *to which* [*sic, Italicized in decree*] they were to be assigned, whose pastors in fact donated them [*the goods*] to the archdiocese. In this decree some material errors intruded: a. In the motivational part [*i.e. substantive, not procedural sections?*], under paragraph 4, the language erroneously referred to the goods of St Augustine in the area of “South Boston;” b. In the decision itself, under paragraph 6, less correctly it is a matter concerning “the pastor *ad quem*” [*sic; probably means the pastor in question*], even though mention was made above of the pastors *in question* [*sic*].

2. With an adverse decision of the Congregation in this matter, Messrs. J. Ryan and J. Hanson and Ms. C. Deyscher and G. Traynor on February 6, 2006, put forward an appeal with the H.S.T. [*the Signatura*].

Regarding the petitioned suspension of the suspension under challenge, H.S.T. heard from the Congregation for the Clergy and from His Eminence the Archbishop, who answered: “... none of the assets of the former St Anselm Parish have been moved and in fact, the Church remains open as a Church and I am moving towards creating a rectorate. I have not moved toward a sale of the Church nor have I touched the money in the parish.” This Signatura Apostolica on May 24, 2006, decreed: “The granting of the suspension from the decree of His Eminence the Archbishop of Boston is to be confirmed and is in fact confirmed, so that His Eminence the Archbishop may safeguard the goods of the suppressed parish of St Anselm while the appeal is pending.”

Having discussed the process among the Patrons [*attorneys*] and the Very Rev. Promoter of Justice,

THE SUPREME TRIBUNAL OF THE APOSTOLIC SIGNATURA

A. *Concerning the suppression of the parish:*

3. With the premise that in accordance with canon 515, ¶ 2 it is up to the Bishop of a diocese alone to suppress parishes (cf. CD 32), which he may not suppress without a hearing of the Presbyteral Council. Before issuing a decree of suppression, the Bishop must seek out the necessary facts and proofs, and, as much as possible, hear from those whose rights may be affected (cf. canon 50). Those who may have any acquired right by an act of foundation [*i.e. as a founding member*] or by contract [*i.e. through a trust*], but these are to be proven. Finally, a decree of suppression may be made, in any case, for reasons expressed in summary form (cf. canon 51). As in the matter, “the diocesan Bishop...just the same may proceed with his prudent discretion, certainly excluding arbitrariness” (decree of the Congregation on May 3, 2002, prot. n. 33219/01CA; 32220/01 CA; 32238/01 CA).

Consequently a just cause is sufficient. That which must be weighed carefully in deliberating is not only the condition of the parish being considered, but in truth also the entire diocese, so that the diocese may provide for the salvation of souls, which must be accomplished in the best possible way. Finally nothing “recognizes the right of Christ’s faithful to a particular parish, when a certain parish, which can perform their pastoral care, suffices for them” (cf., that is to say, the decree of the Congressio of October 12, 1995, prot. n. 25323/94 CA; January 18, 1996, prot. n. 25465/94 CA; October 12, 1995, prot. n. 25530/95 CA);

4. With care **in proceeding** especially with regard to the assertion of a defect in the obligation of impartiality on the part of the Presbyteral Council that: a. the Presbyteral Council ceases activity because of the vacant see [*i.e. no permanently-appointed*

Archbishop of Boston between the resignation of Cardinal Law in December, 2002, and the installation of then-Archbishop O'Malley in July, 2003] and is again reconstituted within a year from the taking over by His Excellency the new Archbishop of Boston (cf. canon 501, ¶ 2), and in this case this is done diligently by His Excellency the new Archbishop of Boston; b. nowhere in law is it required that among the members of the Council there should be some pastors of the parishes to be suppressed; c. freely, it is sworn and it is denied that in this case the Presbyteral Council never gave any guarantee of impartiality;

5. Considering, to the asserted violation of not very much time for the Presbyteral Council to be able to consider diligently the matter, that it is sufficient for legitimacy that the Presbyteral Council should be heard and it is wrong to deny that this council was heard on the matter;

6. Admitting, relative to an asserted violation of law **in substance** that the parish was sufficiently vital and in a good economic condition;

But also having reviewed that:

- It is sufficient for suppression to occur for a certain just reason;
- His Eminence the Archbishop already indicated a letter of May 24, 2004 to the Reverend Pastor and next in the decree of suppression itself indicated that the broad decision should be on that account that “it is clear that the mission of the Church in Boston can best be achieved by the reconfiguration of present parochial resources;”
- The appeal on the one hand unsuitably presented an extensive account about the suppressed parish itself, but on the other hand not about the need to provide for the salvation of souls, which is to be done in the best possible manner, for the whole archdiocese and in fact also in the future;

7. Whereas therefore the asserted violations of law in procedure and in substance are not sustained;

B. Concerning the destination of the goods:

8. With the premise that the decree of the Congregation being challenged in this matter is in this regard the only object of an appeal before the H.S.T. [*the Signatura*] the Congregation in fact did not confirm the decree of His Excellency the Archbishop, but, with all the goods along with the respective obligations (“the assets and liabilities”) of the suppressed parish transferred to the parish in question, the transfer of these [*goods and obligations*] to the archdiocese by the Rev. Pastor is a demonstrated fact. The same dicastery [*i.e. the Congregation*] in a letter given to the H.S.T. of March 21, 2006 asserted that it subjected the matter to a diligent and long examination;

9. Considering further that:

- The matter having been agreed upon beforehand between the archdiocese and the Congregation, that transfer of the goods with the respective obligations was achieved and the same Dicastery explicitly demonstrated this in its decree;
- It is not established that those goods of the stable patrimony of the parish to which they were assigned even pertained to the essence of the issue in question (Canon 1291ss) [*Canon 1291: “The permission of the authority competent by law is required for the valid alienation...”*];
- The appellants themselves in no way proved that they themselves had an acquired right over these goods, namely by an act of foundation or by contract or through an inherited title.

10. Consequently with nothing to be sustained in this matter by way of alleged violations of law in this matter;

C. Concerning the asserted relegation of the church to profane but not sordid use:

11. Being careful that this issue is not put forward more broadly, as the church is as yet equipped for divine worship;

12. With all of these perspectives;
Weighing the cited violations of law;
The matter having been diligently examined by the Congressio, on April 18, 2008, in
front of the undersigned Cardinal Prefect appearing,

decreed

**The appeal is not to be admitted and in fact is not admitted to discussion before the
College [full bench] of Their Excellencies and Their Eminences the Judges of the
H.S.T., inasmuch as being manifestly lacking anywhere in foundation.**

For the expenses the security deposited in the moneybox of the H.S.T. by the Appellant is
retained. The parties are to pay to a proper honorarium to each one's own Patron
[*advocate*].

And all those who are at interest are to be notified of all the legal consequences.

Made from the seat of the Supreme Tribunal of the Apostolic Signatura, on April 18,
2008.

Augustinus Card. VALLINI, Prefect

Velasio DE PAOLIS, C.S., Secretary