



SUPREMUM
SIGNATURAE APOSTOLICAE
TRIBUNAL

PALAZZO DELLA CANCELLERIA
00120 CITTÀ DEL VATICANO

27 April 2009

Prot. N. 42296/09 CA
BOSTONIEN.

Suppressionis paroeciae SS. mae Trinitatis
(D.na K. Stone et alii – Congregatio pro Clericis)

Dear Mrs. Stone,

In reference to your recourse of 8 February 2009, the undersigned Secretary of the Apostolic Signatura has issued the enclosed decree, rejecting your recourse *in limine* because of evident lack of any foundation.

While you do have the right to have recourse to the Congresso of the Apostolic Signatura against this decision, within the *peremptory time limit of ten days from the receipt of this letter*, you should first consider carefully the utility of doing so, in light of what was stated above. Should you decide not to make such a recourse, this Supreme Tribunal will retain € 250, 00 from your deposit for the expenses of its preliminary examination of your recourse and return the rest to you.

Your kindness is requested in sharing this information with all those who signed the recourse with you.

With every good wish, I remain

Sincerely Yours in Christ,

Frans DANEELS, o.praem., Secretary

Mrs. Kathleen Stone
245 Beach Avenue
Hull, Massachusetts 02045 (USA)
(with enclosure)

cc: The Congregation for the Clergy
His Eminence, the Cardinal Archbishop of Boston



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DECRETUM

1. Ab annis peractis studiis de ordinatione paroeciarum hinc inde in archidioecesi Bostoniensi recognoscenda et iam nonnullis paroeciis suppressis, Exc.mus, nunc Em.mus, Archiepiscopus Bostoniensis, audito die 11 maii 2004 consilio presbyterali ad normam iuris, christifidelibus archidioecesis annuntiavit necessitatem reducendi numerum paroeciarum in tota archidioecesi, inter alia ob mutatam condicionem demographicam, deminutum numerum presbyterorum et pessimam condicionem oeconomicam nonnullarum paroeciarum ipsiusque archidioecesis. Quo in contextu coetus localis, Rev.mus Vicarius foraneus, Exc.mus Episcopus auxiliaris pro illa regione et coetus centralis pro reordinatione paroeciarum suppressionem paroeciae personalis SS.mae Trinitatis commendaverunt. Ad rem die 14 martii 2008 denuo auditum est consilium presbyterale, quod nihil animadvertibat circa propositam suppressionem paroeciae.

2. Em.mus Archiepiscopus die 15 maii 2008 cum Rev.do Administratore paroeciali SS.mae Trinitatis communicavit decisionem eandem paroeciam supprimendi et tandem die 24 iunii 2008, cum effectu a die 30 iunii 2008 habendo, decrevit suppressionem paroeciae, statuens ut cura pastoralis pro paroecianis SS.mae Trinitatis assumeretur a paroecia vicina Cathedralis SS.mae Crucis, cui transmitterentur libri paroeciales, bona et obligationes paroeciae suppressae *“to satisfy the increased pastoral needs of accepting new peoples into the parish, and that among these needs, the celebration of particular liturgies and the support of particular music ministry”*.

3. Decreto suppressionis die 30 iunii 2008 a quibusdam paroecianis cognito, D.na K. Stone et alii, nomine fidelium paroeciae suppressae, die 7 iulii 2008 eius revocationem et suspensionem executionis ab Em.mo Archiepiscopo petierunt, qui vero die 1 augusti 2008 remonstrationem reiecit, hac vero cum animadversione: *“I believe that the needs and pastoral care of the German Catholic Community as well as others attending Holy Trinity Parish can be served at the Holy Cross Cathedral Parish”*.

Non acquievit D.na Stone, quam ob rem die 15 augusti 2008 cum aliis provocavit ad Congregationem pro Clericis, quae, audito Em.mo Archiepiscopo, recursum die 2 ianuarii 2009 reiecit. Quam adversus decisionem, D.na Stone et alii die 8 februarii 2009 recursum coram H.S.T. proposuerunt. Eadem instantia petierunt etiam suspensionem executionis decreti impugnati.

Actis causae petitis iisque receptis ac sedulo examini praeliminari subiectis,

**INFRASCRIPITUS SECRETARIUS
SUPREMI SIGNATURAE APOSTOLICAE TRIBUNALIS**

4. Re sedulo examini subiecta;

5. Attento quod, ad normam art. 123, § 1 Const. Ap. *Pastor bonus*, huius Supremi Tribunalis est cognoscere de recursibus adversus actus administrativos singulares sive a Dicasteriis Curiae Romanae latos sive ab ipsis probatos, quoties contendatur num actus impugnatus legem aliquam in decernendo vel in procedendo violaverit;

A. De suppressione paroeciae

6. Praemisso quod:

- Ad normam can. 515, § 2 unius Episcopi dioecesanis est paroecias suppressere, qui eas ne supprimat, nisi audito consilio presbyterali. Antequam decretum suppressionis ferat, Episcopus necessarias notitias et probationes exquirat, atque, quantum fieri potest, eos audiat quorum iura laedi possint (cf. can. 50). Quae iura acquisita haberi possunt v.g. ex actu foundationis vel ex contractu, sed probanda sunt. Decretum suppressionis feratur, denique, saltem summarie expressis motivis (cf. can. 51). Qua in re, "Episcopus dioecesanus... iuxta suam prudentem discretionem procedere potest, exclusa vero arbitrariedade" (decreta Congressus diei 3 maii 2002, prot. nn. 33219/01 CA; 32220/01 CA; 32238/01 CA). Sufficit proinde iusta causa. Qua in ratione perpendenda, non solum condicio paroeciae consideranda est, verum etiam totius dioecesis, ut totius dioecesis saluti animarum, meliore quo fieri potest modo, provideatur. Nullum tandem "ius christifidelibus agnoscitur ad determinatam paroeciam, cum illis sufficiat paroecia quaedam, quae eorundem curam pastorem expleat" (cf. v.g. decreta Congressus dierum 12 octobris 1995, prot. n. 25323/94 CA; 18 ianuarii 1996, prot. n. 25465/94 CA; 12 octobris 1995, prot. n. 25530/95 CA);

- In specie ad suppressionem paroeciae personalis quod attinet, sedulo animadvertendum est migratorum ius servandi patrimonium spiritale vinculatum non esse cum quadam determinata paroecia personali, quae est una tantum ex pluribus comprobatis rationibus et viis in pastorali cura agenda pro coetibus specialibus fidelium (cf. v.g. decreta Congressus dierum 25 ianuarii 1991, prot. n. 21896/90 CA; 3 maii 1995, prot. n. 24388/93 CA; 26 ianuarii 1996, prot. n. 26205/95 CA; 18 iulii



1996, prot. n. 26399/95 CA). Non habetur enim solum ius migratorum servandi patrimonium spiritale, verum etiam obligatio sese cum tempore in nova patria integrandi;

7. Considerato quod relate ad legitimitatem in procedendo consilium presbyterale audiendum erat et ad rem auditum est;

8. Perspecto relate ad legitimitatem in decernendo quod:

- Sufficit ut iusta ratio pro suppressione habeatur;

- Em.mus Archiepiscopus iam in litteris diei 15 maii 2008 ad Rev.dum Administratorem datis et dein in ipso decreto suppressionis indicavit decisionem latam esse eo quod: *“having considered the needs of the Archdiocese as well as the needs and circumstances of the remaining parishioners of Holy Trinity German National Parish, I believe that its German ministry, heritage and culture can continue to thrive in the future. After considering the needs of the catholic population in Boston, it is my belief that parish consolidation is necessary to more readily serve all the faithful. In addition, due to a demographic changes evidence by a low sacramental index and low Mass attendance, among other indicators, the area no longer requires the presence of a German national parish”*;

- Recursus autem inepte tantum rationem tenuit de ipsa paroecia suppressa, non autem de necessitate salutis animarum providendi, meliore quo fieri potest modo, pro tota archidioecesi et quidem etiam in futuro;

9. Cum proinde assertae violationes legis in procedendo et decernendo non sustineantur;

B. De destinatione bonorum

10. Praemisso quod Em.mus Archiepiscopus omnia suppressae paroeciae bona ad paroeciam *ad quam* transferenda decrevit;

11. Perspecto, circa violationes legis ad rem adductas, quod:

- Non indicantur leges quae violatae essent per illam translationem bonorum, quatenus animarum salutis christifidelium paroeciae suppressae contrariam;

- Pars recurrens, ceterum, nullo modo probavit quod *“this transfer of assets, under the pretext that they will be ‘following the parishioners’, is a subterfuge for the unlawful taking of Holy Trinity’s assets by the Archdiocese”*.

12. Cum proinde, rebus sic stantibus, neque hac in re asserta patrata violatio legis probetur in casu.

13. Praetermissis ceteris ad rem forte animadvertendis;



14. Audito Rev.mo Promotore Iustitiae deputato;

Vi art. 76, § 1 *Legis propriae* H.S.T.,

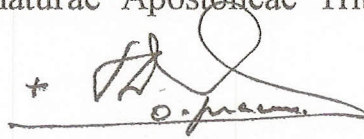
decrevit:

Recursum coram H.S.T. in limine reiciendum esse et facto reici ob evidentem defectum cuiusvis fundamenti.

Adversus hoc decretum, intra peremptorium terminum decem dierum ab eodem recepto, datur recursus ad Congressum H.S.T.

Quod decretum notificetur iis quorum interest ad omnes iuris effectus.

Datum Romae, e sede Supremi Signaturae Apostolicae Tribunalis, die 25 aprilis 2009.



✠ Franciscus DANEELS, o. praem., *Secretarius*

CONCORDAT CUM ORIGINALI

die 25 aprilis 2009
P. Malecha

Paulus MALECHA
Supremi Signaturae Apostolicae Tribunalis
Moderator Cancellariae

Paulus Malecha

Paulus MALECHA, *Cancellariae Praepositus*



DECREE

1. Based upon years spent on studies about the structuring of parishes in the future, from that it is recognized in the Archdiocese of Boston and already some parishes have been suppressed, His Excellency the Archbishop of Boston, having heard on May 11, 2004, the presbyteral council in accordance with the norms of the law, announced to the faithful the need to reduce the number of parishes in the entire archdiocese, among other things because of the changed demographic conditions, the reduction in the number of clergy, and the very bad economic condition of some parishes and of the archdiocese itself. Thus in the context of local groups [clusters], the Vicar Forain, His Excellency the Auxiliary Bishop for that region and the central committee for the restructuring of parishes, they recommended the suppression of the Holy Trinity personal parish. On this point the Presbyteral Council was heard again on March 14, 2008, and [it] had nothing to mention concerning the proposed suppression.

2. On May 15, 2008, His Eminence the Archbishop [promoted to cardinal since 2004] with the Reverend parochial Administrator of the parish of Holy Trinity communicated the decision to suppress the parish, and lastly on June 24, 2008, to be effective on June 30, 2008, decreed the suppression of the parish, establishing for the pastoral care of the Holy Trinity parishioners that they should be taken into the nearby parish, the Cathedral of the Holy Cross, to which [should be sent] the parochial records, goods and obligations of the suppressed parish “[in English] *to satisfy the increased pastoral needs of accepting new peoples in the parish, and that among these needs, the celebration of particular liturgies and the support of particular music ministry* [sic]”.

3. When the suppression decree of June 30, 2008, became known to some parishioners, Mrs. K. Stone and others, in the name of the faithful of the suppressed

parish, on July 7, 2008 petitioned for the revocation and suspension of the execution [of the decree] by His Eminence the Archbishop, who in fact on August 1, 2008, rejected the *remonstratio*, with this comment: “[in English] *I believe that the needs and pastoral care of the German Catholic Community as well as others attending Holy Trinity Parish can be served at Holy Cross Cathedral Parish*”.

This did not satisfy Mrs. Stone, who with others initiated the matter [recourse] to the Congregation for the Clergy, which, having heard from His Eminence the Archbishop, rejected the recourse on January 2, 2009. Against this adverse decision, Mrs. Stone and others put forward a recourse to the H.S.T. on February 8, 2009. And with this same petition they also asked for the suspension of the execution of the decree being challenged.

Having asked for the documentation of the case and having received this and having subjected these to a diligent preliminary examination of the issue

**THE UNDERSIGNED SECRETARY
OF THE SUPREME TRIBUNAL OF THE APOSTOLIC SIGNATURA**

4. Concerning the diligent examination of the issue;

5. Noting that, by the norm art. 123 ¶ 1 Const. Ap. *Pastor Bonus*, it is [the competence of] this Supreme Tribunal to take cognizance of recourses against individual adverse administrative acts whether issued by a Dicastery of the Roman Curia or whether sentences by these same, if it is argued that an act under challenge has breached something in substance or in procedure;

A. *Concerning the suppression of the parish*

6. With the premise that

- In accordance with canon 515 ¶ 2 the prerogative of the diocesan bishop is to suppress parishes, which he may not suppress without hearing the Presbyteral Council. Before he issues the decree of suppression, the bishop must investigate the necessary information and proofs, and, where it may be done, he must hear from those whose rights may be harmed. (cf. canon 50). Which those who may have acquired rights, e.g. by acts of foundation or by contract may [be heard from], but these must be proven. The suppression decree was issued, finally, with in any event a summary list of the reasons (cf. canon 51). Which [stated] in this matter: “The Diocesan Bishop may proceed just the same with his prudent discretion, excluding certainly arbitrariness (decree of the *Congressio* on May 3, 2002, prot. n. 33219/01 CA; 32220/01 CA; 32238/01 CA). That suffices, therefore, for a just cause. What is to be weighed carefully in reasoning, not only is the condition of the parish to be considered, but truly also the entire diocese, and the salvation of all the souls, which is to be provided for, in the best way that can be devised. Lastly no “right of the faithful to be particular parish is acknowledged, while for them should suffice a parish which can meet their pastoral care” (cf. the decrees 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);

- In the instance of what pertains to the suppression of a personal parish, careful attention must be paid so that the legal requirement of protecting the spiritual patrimony of migrants is not linked to a particular personal parish, which is one among many approved reasons and requirements in the pastoral care agenda for special groups of faithful (cf. the *Congressio* decrees of January 25, 1991, prot. n. 21896/90 CA; May 3, 1995, prot. n. 24388/93 CA; January 26, 1996, prot. n. 26205/95 CA; July 18, 1996, prot. n. 26399/95 CA). Indeed it is not just a matter of protecting the spiritual patrimony of migrants, in truth it is also the obligation itself of integrating [the migrants] with the circumstances [society] of the new homeland.

7. Considering that the Presbyteral Council was consulted and heard on this matter, in accordance with legitimate procedure;

8. As is known concerning the legitimacy in substance that:

For suppression it suffices to have a just reason;

His Eminence the Archbishop in a letter of May 15, 2008, already given to the Rev. [parochial] Administrator and then indicated in the decree of suppression which was issued, that: “[in English] *having considered the needs of the Archdiocese as well as the needs and circumstances of the remaining parishioners of Holy Trinity German National Parish, I believe that its German ministry, heritage and culture can continue to thrive in the future. After considering the needs of the catholic [sic, small “c”] population in Boston, it is my belief that parish consolidation is necessary to more readily serve all the faithful. In addition, due to a demographic changes [sic] evidence by a low sacramental index and low Mass attendance, among other indicators, the area no longer requires the presence of a German national parish*”;

- The recourse, on the one hand, inartfully set forth much reasoning concerning the suppressed parish, but on the other hand nothing concerning the need to provide for the salvation of souls, which should be accomplished in the best manner, for the entire archdiocese and also in the future;

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

B. *Concerning the destination of the goods*

10. Given that His Eminence the Archbishop has decreed that all of the goods of the suppressed parish are to be transferred to the parish *in question* [receiving parish];

11. Considering, concerning the cited violations of law in the matter, that:

- It is not indicated which laws have been violated by this transfer of goods, contrary insofar as the salvation of souls of the suppressed parish [is concerned];

- Besides, the party bringing forward the recourse [the parishioners] has not proven in any way that “[in English] *this transfer of assets, under the pretext that they*

will be 'following the parishioners', is a subterfuge for the unlawful taking of Holy Trinity's assets by the Archdiocese".

12. Whereas therefore, things remaining the way they are, the asserted fatherly [i.e. bishop's] violation of the law has not been proven in the case.

13. Taking seriously into account other items not mentioned here;

14. Having heard from the Rev. Promoter of Justice delegated [for this matter];

On the strength of art. 76, ¶ 1 *The Internal Law* of the H.S.T.,

decreed:

The recourse before H.S.T. is to be and is in fact rejected ad limine [on the threshold] due to its evident defect and its lack of foundation

Against this decree, within the peremptory time limit of ten days from receiving it, a recourse may be given to the *Congressio* of the H.S.T.

This decree is to be notified to those it is of concern to all effects of the law.

Given in Rome from the seat of the Tribunal of the Holy Apostolic Signatura, on April 25, 2009.

Franciscus Daneels, *o. praem.*, *Secretary*

Paulus Malecha, *Chancery Overseer*