



CONGREGATIO PRO CLERICIS
DECREE

CORIA

Ricardo

12/2/2012

Prot. No. 20123054

1. Whereas, by a decree of June 24, 2008, the Archbishop of Boston (Massachusetts, U.S.A.), His Eminence Seán Cardinal O'Malley (hereinafter called "the Ordinary") suppressed the parish of Holy Trinity, Boston, a personal parish for Catholics of German descent, in accordance with can. 515 §2, that decree being subsequently upheld by both the Congregation for the Clergy (hereinafter called "the Congregation") and the Supreme Tribunal of the Apostolic Signatura;
2. Whereas, at the time when the decree of the Ordinary took effect, the church of Holy Trinity was also closed for divine worship.
3. Whereas the Supreme Tribunal of the Apostolic Signatura, in its final decree (November 13, 2009, Prot. No. 42296/09 CA), confirmed that no decision had yet been made as to the reduction of the church to profane but not sordid use, it being for the Ordinary to make such a decision, which would be subject to challenge by those with *ius standi*;
4. Whereas on December 27, 2010 Christine Quagan, George Krim and others (hereinafter called "the recurrences") wrote to the Ordinary requesting that the church of Holy Trinity be reopened for divine worship;
5. Whereas on March 17, 2011, the Chancellor of the Archdiocese of Boston, on the instruction of and on behalf of the Ordinary, wrote to the recurrences to clarify that no decision had been taken as to the possible relegation of the church of Holy Trinity to profane but not sordid use, that the Ordinary had begun an extensive process of consultation as to the future of the church and that the Ordinary would only make a decision based on the result of that consultation;
6. Whereas on March 28, 2011, the recurrences presented hierarchical recourse to the Congregation against the presumed negative decision of the Ordinary (cf. can. 57);
7. Whereas on June 6, 2012, the Congregation issued a decree (Prot. N. 20121724) rejecting that recourse as the Ordinary, by means of his Chancellor, had replied to the recurrences within a period of three months, in which he had responded adequately to the request of the recurrences;
8. Whereas, continuing the process of consultation in the meantime, the Ordinary, prior to making any decision concerning the possible reduction of the church to profane but not sordid use, consulted with the rector of the Cathedral parish, which is the territorial parish in whose territory the church of Holy Trinity is located and to which the temporal goods of the suppressed parish were transferred, who indicated in a report of June 14, 2012 that he had consulted the parish pastoral council and finance committee, that good pastoral provision was being made in the parish for former parishioners of Holy Trinity parish, including Masses celebrated for the German community, that the cost maintaining and repairing the church of Holy Trinity was beyond the means of the parish, which is already in debt, and that he had been made aware that the Archdiocese does not have sufficient funds even to assist its Cathedral parish;

9. Whereas on June 28, 2012 the Ordinary consulted the Presbyteral Council on the possible relegation of the church of Holy Trinity to profane but not sordid use, in accordance with cann. 1222 §2 and 127 §1;
10. Whereas on July 10, 2012 the Ordinary, in accordance with can. 1222 §2, issued a decree relegating the church of Holy Trinity to profane but not sordid use, and in that decree set forth his motives for its issue in accordance with can. 51;
11. Whereas on July 26, 27, 29 and 31, 2012, various recurrences wrote separate letters to the Ordinary requesting the reversal or suspension of his decree, in accordance with can. 1734;
12. Whereas on August 22, 2012 the Vicar General wrote to the recurrences at the request of and on behalf of the Ordinary inviting them to meet with the rector of the Cathedral parish and the Interim Director of the Archdiocesan Planning Office on September 6, 2012 in order to discuss the matter further;
13. Whereas following that meeting on September 9, 2012 the recurrences sent various requests for hierarchical recourse to the Congregation in accordance with can. 1737, these recourses being hereby conjoined as they pertain to the same subject matter and being considered to have been legitimately placed within the peremptory time limits;
14. Whereas on October 2, 2012 the Vicar General wrote to the recurrences at the request of and on behalf of the Ordinary indicating that, following a reexamination of the reasons for his decision, the Ordinary continued to believe that the reasons for his decree were grave and, therefore, would not revoke or amend it;
15. Whereas on October 11 and 14, 2012 the recurrences sent various requests for hierarchical recourse against the rejection of their *remonstraciones* to the Congregation, these requests being considered superfluous, as hierarchical recourse had already been legitimately placed by the same recurrences in the same matter;
16. Whereas an hierarchical recourse is, by its nature, a documentary process which proceeds on the basis of examination of authentic documents provided by interested parties at the request of the Congregation; thus having provided ample opportunity for all interested parties to respond and having carefully examined the documents submitted by both the Ordinary and the recurrences and the observations of the advocates for the two recurrences named in paragraph four hereof, the Congregation judges as complete the documentation in its possession and proceeds therefore to its decision *per cartas*;
17. As concerns the procedure required by can. 1222 §2, the acts show that, although the church of Holy Trinity was closed for divine worship at the time the parish was suppressed, the Ordinary clarified in correspondence both with the recurrences and with the Congregation that this closure was not definitive, that it was to be subject to an extensive process of consultation and that a definitive decision as to the future of the church would be taken once this process had been completed. The acts further show that the rector of the Cathedral parish carried out an extensive consultation within the parish relating to pastoral provision, the financial situation of the parish and the Archdiocese and the condition of the church of Holy Trinity. In the light of this consultation the rector recommended that the church be relegated to profane but not sordid use. In addition, the Archdiocese conducted extensive research on the condition of the building and the financial implications of any decision relating to it. The Ordinary consulted the Presbyteral Council on June 28, 2012. The minutes of the meeting show that the Presbyteral Council favoured the relegation of the church to profane but not sordid use. The only person revealed in the acts who could lawfully claim rights over the church

within the meaning of can. 1222 §2 is the rector of the Cathedral parish, whose consent is manifested in his letter to the Ordinary and the accompanying report of June 14, 2012. The acts further show that the Ordinary issued a motivated decree on July 10, 2012. The Congregation considers therefore that the procedure followed is both valid and lawful.

18. As concerns the decision taken, can. 1222 §2 imposes a duty on the Ordinary to show a grave reason that a church should no longer be used for divine worship. The motivating causes contained in the decree of July 10, 2012 are the inability of the Cathedral parish to sustain Holy Trinity church in a good and useable condition and to provide the needed repairs, the insufficiency of archdiocesan resources to assist the parish in meeting these financial needs and the grave shortage of priests, deacons and lay ministers to serve the parishes that remain. In support of the first two reasons, the Ordinary has provided extensive documentation concerning the state of the building and the cost of necessary maintenance and repair and concerning the financial situation both of the Cathedral parish and the Archdiocese. While the shortage of clergy does not constitute a grave reason *in se*, when considered together with the situation of the parish and the church in question, the Congregation considers that all the causes offered by the Ordinary, when taken together, are indeed grave. This Dicastery further finds that the Ordinary has taken suitable steps to ensure that the good of souls will not be harmed by the relegation of the church of Holy Trinity, Boston to profane but not sordid use.

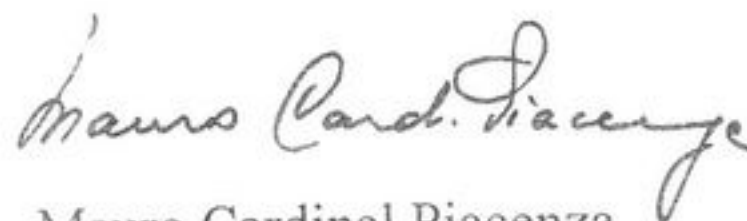
Therefore:

This Congregation hereby decrees that this petition for hierarchical recourse as presented, with regard to the decree of relegation of the church of Holy Trinity, Boston, in the Archdiocese of Boston to profane but not sordid use does not have canonical basis either in law or in fact and is rejected both in procedendo and in decernendo.

This Congregation directs that, in accordance with can. 1222 §2, the relegated church may not be given over to any use unworthy of its dignity as a former sacred place.


Recourse against this Decree may be made before the Supreme Tribunal of the Apostolic Signatura within the peremptory time limit established by the Apostolic Letter *Motu Proprio, Antiqua Ordinatione* 34 §1.

Given at the Seat of the
Congregation for the Clergy
November 26, 2012



Mauro Cardinal Piacenza
Prefect



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✠ Celso Morgia Iruzubieta
Titular Archbishop of Alba marittima
Secretary