By Most Reverend John O'Hara

Recently, an article appeared in a local paper that, as you may have read, took an unfair and unfounded shot at *Making All Things New.* Of course, the process could be criticized for various reasons, as all processes can be, but the thrust of the article was that, by not publishing the decrees of merger, the archdiocese was engaged in some kind of sinister, manipulative campaign to keep the faithful from their right to recourse.

The allegation in the article is, of course, false. The process is, we are told, likely the most public, open, transparent, and collaborative model that any diocese has used for parish planning. In fact, many are expressing fatigue over all the meetings, consultations, and publicity!

What is a decree? A decree is basically a decision. It is important to make decisions known. In point of fact, there were multiple publications of the decisions, from the letters that the cardinal sent to each affected parish to be read at Sunday Masses on the weekend of November 1 and 2, to the *Catholic New York* article, to the announcement on the archdiocesan website. Even articles in the local papers and news accounts on the radio and television qualify as publication. Nobody can say that they were not notified of the Cardinal's decisions.

In point of fact, we had intended to publish the decrees as of November 2, 2014 on the archdiocesan website, but failed to do so, which, in retrospect was an oversight. That oversight was corrected once we discovered it: the decrees are now on the website. To suggest, as the aforementioned article did, that

the archdiocese intended to conceal this time limit is simply inaccurate.

It was also noted in the aforementioned article that the archdiocese has refused to distribute copies of the decrees of merger to the faithful. We did not give copies because the formal decrees had been posted on the website as a courtesy, at least that was the original intention and it was immediately corrected when we found out about the oversight. However, every single person who has called the chancery office has been told that he or she is more than welcome to come in to read the decree. Many, many have.

Again, the main allegation is that, inasmuch as the decrees of merger were not published, and since they contain a statement that there are ten useful days within which to file recourse to the bishop (a statement which is not required by canon law), the archdiocese has deliberately

thwarted, or tried to thwart, the rights of the faithful. Not true. Though this may be hard to accept from a public relations viewpoint, there is no obligation on the part of the diocese to inform anyone of their rights in any procedure, as jurisprudence from the Holy See has made it clear that knowledge of the law by a petitioner is presumed, especially if they have a canon lawyer involved. Nearly a dozen parishioners did file recourse within the ten useful days, and so we assume that those who are guiding these parishes likely told others as well.

More importantly, a request for reconsideration of a decision to merge must be made to the archbishop within ten useful days from the notification of the decree before recourse to the Holy See can be made. This is a requirement for validity. Also, it is to be noted that we have never said or indicated that the faithful are forbidden to present requests for

reconsideration past the ten useful days after legitimate notification. The issue of the ten days comes up when the cardinal responds to the request for reconsideration. While we have, in a limited number of cases, given as one of the reasons for rejecting the petition for reconsideration the lateness of the petition, this was never the only reason given. Much more substantive reasons than lateness of the petition are included in rejections for reconsideration.

Further, the decrees responding to requests for reconsideration all contain the following closing paragraph: “Should he/she/they still feel aggrieved for any just reason, the petitioner(s) has/have the right to make hierarchical recourse against this decree within the peremptory time limit of fifteen useful days from the legitimate notification of this decree to the Congregation for the Clergy in accordance

with canon 1737 sections 1 and 2 and the *Regolamento Generale della Curia Romana*." From this, the petitioner(s) know that they have now fifteen useful days within which to make recourse against the decree of reconsideration. Again, this paragraph is not mandatory, but a courtesy that we insisted on so that the faithful are aware of their rights.

We are involved in difficult mergers of parishes, the procedure of which to be followed is contained in canon 515, section 2. This calls only for consultation with the presbyteral council, and the threshold to be met is rather minimal—a just cause. We here in the archdiocese did far more than this. The entire process was studied and discussed, with clergy, religious, and faithful alike, for several years, involving thousands of people. More specifically, on two occasions over the past year, there were months of cluster meetings

that involved the faithful; there was an advisory board that met twice to go over cluster recommendations; there were presbyteral, college of consultors, finance, and pastoral council meetings, and much more. A just cause, by canon law, means that a bishop's decision to merge a parish is not arbitrary. Our process has been open, consultative, lengthy, and hardly arbitrary.

Sadly, there are some canonists now working with parishes in the archdiocese promising that they will undo the decisions announced on November 2, 2014. While canon law allows the local bishop the right to determine which canonists are allowed to function as advocates within the archdiocese, the cardinal won't do so. However, what is sad is that these canonists know full well that the archdiocese went above and beyond the requirements for parish mergers. By promising what they know

to be false hope, they are only taking the faithful's time and resources. This is sad!.

This is a rather lengthy and detailed explanation and response to the aforementioned article, and we apologize. Be assured that we have no difficulty whatever with people objecting to this or that component of the process. Even we have questioned parts of it! But, we can hardly not reply to an unfair report that the archdiocese was deliberately involved in something deceitful, sinister, and underhanded. Thousands of our priests, sisters, brothers, deacons, and parishioners have labored intensely to see that what we all know would be painful decisions were arrived at patiently, with exhaustive consultation, and scrupulous attention to the Church's law. They deserve our thanks, not unfair criticism.