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March 15, 2021

Bishop Milan Lach, SJ
Eparchial Bishop
The Byzantine Catholic Eparchy of Parma
5000 Rockside Road, Suite 310
Independence, Ohio 44131
UNITED STATES OF AMERICA

Glory to Jesus Christ! Glory Forever!

Your Excellency,

RE: Decree of Merger of the Cathedral Parish of St John the Baptist, St Mary Parish, and Holy Spirit Parish (Prot. N. 22/2021 L)

I have been retained by a group of parishioners who find themselves aggrieved by the decree of merger of the parishes of Holy Spirit, St Mary (Dormition), and the Cathedral Parish of St John the Baptist. The signed mandate forms of these individuals designating me as their procurator are appended to this letter in line with canons 1003 and 1139 of the *Code of Canons of the Eastern Churches*.

This decree, signed on the evening of March 5, 2021, defined legal notice as publication on the eparchial website, this occurred on March 8, 2021. As we are within the time allotted for administrative recourse (c. 999, §1), total revocation of the decree is hereby sought. Additionally, by means of this letter suspensive force of this decree's execution is also petitioned.

The following reasons for revocation are identified:

1. Ecclesiastical Goods of St John the Baptist Parish in an Extinctive Union

The decree indicates that the "temporal goods as well as the obligations of the Cathedral Parish of St. John the Baptist are to be divided in a just and equitable manner between the Dormition of the Mother of God Parish and the Byzantine Catholic Eparchy of Parma for the Ruthenians." However, as the cathedral parish is being aggregated by means of an extinctive union into the juridic person of the parish of the Dormition of the Mother of God (St Mary's), the temporal goods of the parish in no way proceed to the superior juridic person (i.e. the Eparchy), and

proceed with the parish to the new juridic person. This is a firm principle reflecting the need to always respect the will of the donors who intended these goods to be used for the purpose of the Cathedral parish (c. 922, §2, 5°). The norms of canon law are clear that when parishes are merged, the assets and proceeds pass from the parish *a qua* to the new parish *ad quam*. They *do not* pass to the eparchy and this interpretation has been repeatedly upheld in the jurisprudence of the Holy See. The praxis of the Holy See is uniform that the temporal goods follow the people to their new parish.

2. Consultation Required by the Bishop – Presbyteral Council

It is the competency of the eparchial bishop alone to erect, modify, and suppress parishes. However, any such decision can only occur after the requisite consultation of the presbyteral council (c. 280, §2). This consultation is a requirement for validity (c. 934, §2, 2°). However, in order for this consent to have occurred, those whose consent is required must be provided with all necessary information (c. 934, §3; *cf.* c. 1038, §1). Numerous members of the presbyteral council requested more information and this consultation thus should not have been considered as supplied.

Additionally, the calling of the meeting of the presbyteral council was not in line with the particular law of the Eparchy of Parma (no. 204.2) as there was no agenda supplied in advance. This being a violation of the norms on convocation, consultation should be considered as lacking (cc. 934, §1; 948, §1).

Finally, a review of the tone of the communications at the meeting will leave one asking whether this consultation was *genuine*, that is, whether or not the counter arguments were genuinely considered or whether it was made clear that a specific outcome was *expected* or even predetermined. If the consultation was not genuine, it did not occur.

3. Lacking Consent of All Interested Parties

Unlike the *CIC*, the *CCEO* has the strict requirement of obtaining the consent of all interested parties prior to “any kind of alienation” (c. 1039). The very fact parishioners from both the Cathedral Parish of St John the Baptist as well as Holy Spirit are objecting to this extinctive union and the alienation of their goods from the juridic person of their parish to the juridic person of Dormition Parish (as well as in the case of St John the Baptist, the juridic person of the Eparchy), demonstrates that such consent has not been granted by these interested parties. Alienation of these temporal goods should not occur as the requirements in law have not been satisfied.

4. Lack of a Just Cause

The motivations provided for in the decree indicate the motivations as being three-fold: the voice of [some of] the faithful desiring a single parish capable of effectively supporting itself, evangelization, providing beautiful liturgical services, and more effective sharing of resources. It should be noted that the Cathedral parish is financially solvent and as your Excellency is aware the property does provide for possibilities in generating revenue without closing the parish church. With respect to evangelization, having more parishes of course is more convenient and conducive to evangelization than having fewer parishes. With respect to liturgical services, the Cathedral is well known for providing beautiful liturgical services, and for example on Sunday March 14th its rector, the mitrophoric archpriest Fr Visnovsky, emphasized at the Divine Liturgy how the faithful watch the many services of the Cathedral parish from not only across the United States but also from Australia and Europe. Such conditions are already present and thus do not motivate the merging of the parishes.

What thus remains as stated motivations is the financial redistribution of the goods of these parishes to the wider eparchial mission. This is not a licit cause for the extinction of a parish. Parishes are established with juridic personality in perpetuity for the fulfilment of their canonical mission. As the jurisprudence of the Holy See has emphasized, parish closures are to be exceptional and as a last option when dealing with problems facing the local church. While the bishop is able to consider the needs of the eparchy as a whole in discerning his course of action, the decision to close a parish must be considered for the good of that specific parish, that is, *ad rem*. Generalized or eparchial motivations cannot justify the modification of a specific parish. A valid motivation must be a specific good *as it relates to the parish in question*. It thus seems that there is no just cause provided in the decree, contrary to the norms of canon law. Indeed, there is little distinction offered in the decree between the circumstances facing Holy Spirit Parish and those facing the Cathedral of St John the Baptist.

Your Excellency, the members of your faithful who seek this revocation do this with no joy. They genuinely love not only their parish but also their eparchy and recognize that difficult conversations need to occur regarding the future of the parishes in the Cleveland area. However, such conversations require time, openness, and genuine conversion of all involved. The Eastern Code has included the requirement of obtaining the consent of all involved in order to alienate the goods belonging to these juridic persons. In the context of parishes, this is not an easy task. At the same time, many eparchies across North America are able to engage the faithful in conversations, many of which will take several years, in order to arrive at the most suitable solution for the good of the faithful. These complex situations cannot be solved in haste.

I thank you for your hearing of this request and assure you of my prayers as you consider these complex issues. Your Excellency, I remain,

Yours in Christ,

A handwritten signature in black ink, appearing to read "Alex Laschuk", with a long horizontal flourish extending to the right.

Rev. Alexander M. Laschuk PhD, JCD
Procurator/Advocate