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Parishioners sue to keep church open

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Cite family donation of land for parish in Framingham

By Franco Ordoñez, Globe Staff | May 14, 2005

When the clock struck noon yesterday, parishioners at St. Jeremiah Church in Framingham took their appeal to the Virgin Mary and to Middlesex Superior Court.

While nearly two-dozen parishioners huddled in pews to recite the rosary, lawyers representing them walked into court and filed a civil lawsuit that seeks to block the Catholic Archdiocese of Boston from closing their parish.

The parishioners, marking the official closing date for their church, coordinated the court filing with the recitation of the rosary, in hope of drawing spiritual guidance and perhaps a little earthly help from the Virgin Mary.

"The rosary is a very special prayer and a very powerful prayer, especially in a time of need," said Mary Beth Carmody, one of the leaders of a vigil that parishioners have been keeping since last week. "The blessed mother is a powerful lady. We're asking for her help during this reconfiguration nightmare."

As in similar lawsuits recently filed by closed churches, the parishioners at St. Jeremiah seek to challenge the archdiocese's rights to the property.

They contend the archdiocese has merely been a steward of the property, not its true owner, because parishioners paid for the church's construction. Those keeping the vigil argue that the Moynahan family, which provided the money to build the 1958 church, donated the funds on the condition that it be used "to establish a church for the people of Framingham, with the provision that the church be named for their father, Jeremiah."

"We believe that we own the parish," said Jackie Lemmerhirt, another vigil leader and a plaintiff in the case. "It can't just be taken away by the Archdiocese of Boston."

Parishioners also contend in the suit that they are entitled to the building because they paid off a mortgage that the archdiocese took out on it years ago. In addition, they are seeking an injunction to prevent archdiocesan officials from removing sacred objects from the church.

Thomas Tierney and Grace Corrigan, both Framingham residents and founding members of the 47-year-old parish, are also named as plaintiffs in the suit. Corrigan is the mother of Christa Corrigan McAuliffe, the New Hampshire school teacher and Framingham native who died in the 1986 explosion of the space shuttle Challenger.

Terry Donilon, a spokesman for the archdiocese, said the church does not comment on pending or proposed litigation.

Howard P. Speicher -- a real estate lawyer with Davis, Malm & D'Agostine -- said that without a written trust spelling out that the family intended the property to remain for the people of Framingham, it's going to be an uphill battle. The parishioners at St. Jeremiah do not have such a trust.

It will be a challenge, he said, to persuade the court that the archdiocese, despite holding the deed to the property, does not have final say about what happens to the church.

"Generally, the person who holds the legal title to a piece of property owns that property and has the right to

do with it what they please," he said.

But lawyer Austin O'Toole -- who represents a group of Italian-American Catholics who brought the first such complaint against the archdiocese, over the closure of Sacred Heart Church in the North End -- said the Framingham parishioners have a good argument.

"Not only did parishioners take money out of their own pockets to pay for the construction of the rectory," said O'Toole, who reviewed the St. Jeremiah lawsuit yesterday. "But the church then collected monies from the parishioners on a regular course under a mortgage obligation imposed upon them in exchange for nothing."

The St. Jeremiah's suit is based on a similar case brought by parishioners last year at St. Albert the Great in Weymouth, which was also scheduled to close, but was granted a reprieve in March. The Boston law firm of Galvin & Ames filed the suit on behalf of both parishes.

Not everyone at St. Jeremiah supports the effort to challenge the archdiocese's decision to shutter their parish. But those who do spent much of the day yesterday putting back in place statues and other items that had been taken down in anticipation of the church shutting its doors.

"We felt that it was important, instead of having the statutes of Mary and Joseph lying on the altar, to put them back on the wall," said Bill Sell, one keeping the vigil. "People are in there praying, and it is a church. Sacred objects, they should be where they belong. And having them lying there doesn't give people very much comfort."

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