

*The Parish Appeal Committee and Parishioners of  
St. Jeremiah Parish, Framingham, MA 01701*

*% Mrs. Jackie Lemmerhirt  
4 Chesterfield Street  
Framingham, MA 01701*

May 20, 2005

**Via Hand Delivery, Receipt Requested**

Most Reverend Seán P. O'Malley, OFM Cap.  
Archbishop of Boston  
% Archdiocese of Boston  
2121 Commonwealth Avenue  
Brighton, MA 02135

**Re: Petition to Revoke the Decree of Suppression  
St. Jeremiah Parish, Framingham, MA 01701**

Dear Archbishop O'Malley:

In accord with the provision of Canon 1734, §1, we hereby petition you to revoke the Decree of Suppression dated May 11, 2005 against St. Jeremiah Parish, Framingham, Massachusetts, as well as the Decree of Suppression dated April 25, 2004. The May 11, 2005 Decree appears to be issued in replacement of the Decree dated April 25, 2004, however, the first Decree was not revoked by the second Decree. They both appear to be extant. The May 11, 2005 Decree of Suppression was received by the undersigned (on behalf of the Appeal Committee and on behalf of the Parishioners of Saint Jeremiah Parish) on May 12, 2005.

Based upon what we would argue are procedural defects and injustices during the Cluster Process and the subsequent review and "consultative" process, as well as the substantive arguments set forth in our Petition to revoke the Decree dated April 25, 2004, the instant Decree should also be revoked. A revised copy of that Petition is appended and is hereby made a part of this Petition. Please note that this Petition is grounded more on the factual merits of our case than upon points of law. We understand that the competent dicastery of the Holy See is likely to limit itself to consideration of the latter and will prepare our petition of recourse accordingly.

Thank you in advance for your careful consideration of our Petition. It is our desire to resolve this matter at the Archdiocesan level rather than to follow the process of administrative recourse, including an appeal to the Supreme Tribunal of the Apostolic Signatura. We trust that you share this desire and we are prepared to enter into dialog with you to achieve this end. Should you not be willing to do so, however, we will pursue our administrative recourse.

We pray that the Holy Spirit will guide you in your deliberations concerning our parish and that you will be gifted with the wisdom and courage to rescind your Decree.

God bless you.

Sincerely Yours in Christ,

The Appeal Committee and  
Parishioners of St. Jeremiah Parish

By:

Mrs. Jackie Lemmerhirt

Enclosure

**PETITION FOR EMENDATION OR REVOCATION  
OF THE DECREE(S) OF SUPPRESSION  
AGAINST SAINT JEREMIAH PARISH, FRAMINGHAM**

Saint Jeremiah Parish of Framingham, in the Archdiocese of Boston, through individual members of the parish, former members of the Parish Pastoral Council, the Parish Appeal Committee and as members of the Christian faithful and as persons aggrieved, hereby petition Archbishop Seán O'Malley for the second time (i) to revoke his decree(s) of suppression and (ii) to suspend the execution of the decree pending administrative recourse.

***St. Jeremiah's Decree(s) of Suppression Are Arguably Invalid as a Juridical Acts:***

The Decree(s) of Suppression for St. Jeremiah Parish are arguably invalid as a juridical act because both Decrees lacks the essential elements that are required for the validity of a juridical act. The Second Decree (dated May 11, 2005) was also issued based upon ignorance or error and must be suspended and revoked. Code of Canon Law 124 §1 and Canon 126. According to Canon 124 §1, the juridic act requires a competent authority, all the constitutive elements, the necessary formalities and the consultative requirements. According to Code of Canon Law 515 § 2, in order to suppress a parish, the diocesan Bishop must first consult the Presbyteral Council of priests. The May 11, 2005 Decree of Suppression for St. Jeremiah Parish, like the First Decree (dated April 25, 2004) lacks the essential elements to be a juridic act of suppression: The necessary formalities and the consultative requirements. The juridic act was performed as the result of ignorance and grievous error that affects both the procedural, as well as the substance, of the act. Therefore, it is invalid and must be revoked for, among others, the following reasons:

- 1. The Second Decree Was Issued on May 11, 2005; The First Decree Was Not Revoked, Therefore, the Two Decrees Must Be Read Together; There Was No Effective or Authentic Consultation with the Presbyteral Council Of The Archdiocese Of Boston As Required By Canon 515 § 2 of the Code of Canon Law for the May 11, 2005 Decree.**

St. Jeremiah Parish received a second Decree of Suppression dated May 11, 2005 (the "Second Decree") on May 12, 2005 suppressing the parish effective 12 noon on May 13, 2005. The Second Decree does not revoke the first Decree which was dated April 25, 2004 (the "First Decree"). Canon 58 § 1. In addition, the Second Decree is more general than the First Decree, which is more particular. Therefore, according to Canon 53, the First Decree prevails over certain matters because they were more specifically expressed in the First Decree. Therefore, the two Decrees must be read together insofar as they do not conflict.

In the matters that were presented in the First Petition for Emendation or Revocation, there is only one issue that was previously presented that may have been corrected by the Second Decree, *i.e.*, an apparent scrivener's error as to the date of issuance. However, this alone does not cure the defects set forth for your consideration in the First Petition for Emendation or Revocation. There was still no authentic or effective consultation with the Presbyteral Council as required by Canon 515 § 2 of the Code of Canon Law. Therefore, the Second Decree, like the first, is arguably invalid as a juridic act and must be revoked.

The Second Decree notes, as did the first Decree, that, “in accord with Canon 515 § 2 of the Code of Canon Law, [you consulted with] the Presbyteral Council of the Archdiocese of Boston on **May 7, 2004.**” The Decree is invalid because it lacks the external solemnities required -- procedurally and substantively -- for this to be a valid juridic act. Code of Canon Law 484 § 2 requires that the notary “faithfully record what is done in writing and sign the document, with a note of the place, the day, the month and the year.” On the face of the First Decree, it appears that the Decree of Suppression was issued two weeks before you consulted with the Presbyteral Council. These actions violate both Canon 515 § 2 and Canon 127. The First Decree is invalid because you issued the decree before consulting with the Presbyteral Council of the Archdiocese of Boston.<sup>1</sup>

The Second Decree issued on May 11, 2004 may modify that apparent scrivener’s error, but does not correct the substantive defect. If the date on the First Decree was incorrect, that Decree is a nullity and not valid. The Second Decree is also invalid because it fails to meet the requirements of Canon 124 §1, which prescribes for the validity of the act. In accordance with Code of Canon Law 126, “[a]n act is invalid when performed as a result of ignorance or of error which concerns the substance of the act, or which amounts to a *sine qua non.*”

In addition to any procedural error, the Second Decree is also the result of a grave error of substance or ignorance. You state in the First Decree that, “[h]aving considered the needs of the Catholic population of Framingham, it is my belief that **two parishes** are sufficient to serve the needs of the faithful.” There are presently five parishes serving Framingham. The Cluster recommended two parishes for closure but stated that all parishes should remain open. The Central committee recommended two for closure. You announced on May 25, 2004 that only one parish in Framingham, St. Jeremiah, would be suppressed. Thus, there is a grave error in the First Decree. The Second Decree does not mention the number of parishes in Framingham, nor does it correct the error in the First Decree. It merely mentions that there “will remain a **sufficient** number of parishes to serve the needs of the faithful.” This more general statement does not correct the defect and error in the First Decree. Canon 53. Thus, once again and in accordance with Code of Canon Law 126, “[a]n act is invalid when performed as a result of ignorance or of error which concerns the substance of the act, or which amounts to a *sine qua non.*” The First Decree prevails over the Second Decree, thus, both Decrees must be revoked.

As set forth in the First Petition and again here, it must be noted that the registered population of the Town of Framingham as of the year 2000 U.S. Census was 66,910, not including a large population of undocumented immigrants presently estimated at 14,000. The Town planners and the Massachusetts Executive Office for Environmental Affairs use a 2% growth rate for Framingham. Therefore, by 2014, the population of Framingham is expected to be approximately 100,000 persons. Thus, if the Decree is correct, that means that you have concluded that only two parishes are needed to serve the faithful of the largest Town in Massachusetts with a present actual population of approximately 81,000 and an expected

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<sup>1</sup> The First Decree of Suppression was received at the Rectory of St. Jeremiah Parish and thereafter by its parishioners on **April 26, 2005.** This Petition was filed within ten useful days of receipt of the Decree. Code of Canon Law 1734 §1. If the dates in the Decree were correct, the Decree was issued more than one year before it was served on the Parish. The Second Decree was served upon Mrs. Lemmerhirt on May 12, 2005. Thus, this appeal is timely filed.

population of 100,000. Thus, it appears that this conclusion can only have been made as a result of ignorance or an error and, both the First and Second Decrees are invalid under Canon 126 and Canon 53.

According to Canon 53, the First Decree prevails. Thus, if the First Decree of Suppression meant to state that only two parishes are needed for the area of Framingham north of Route 9, there is still a grave error of fact or substance in the Decree that renders the juridic act invalid. **Two** parishes in Framingham are located north of Route 9: St. Jeremiah and St. George. The First Decree provides that, “two parishes are sufficient to serve the needs of the faithful.” If that is so, both St. George and St. Jeremiah are needed to serve the needs of the faithful in Framingham north of Route 9. The Second Decree does not correct that error and is more general than the First Decree. As the First Decree prevails, again it appears that the conclusion contained in the Decrees can only have been made as a result of ignorance or error and both Decrees are invalid under Canon 126 and Canon 53.

Whichever way the Decrees are read, they are not factually correct and on either basis the Decrees of Suppression for St. Jeremiah Parish are invalid. The only conclusion permitted is that the Decrees were issued as a result of ignorance or of error, which concerns the substance of the act. Thus, both the Second and the First Decrees are invalid in accordance with Code of Canon Law 53, 126 and 127. The result of the Decree is to cause harm to the Catholic population of Framingham and, in particular, the parishioners of St. Jeremiah Parish. Thus, you are required to repair the damage done under Canon 128. Thus, both the First and Second Decrees must be revoked.

**2. Both Decrees Were Issued Before Any Effective Consultation with the Presbyteral Council Of The Archdiocese Of Boston As Required By Canon 515 § 2 of the Code of Canon Law.**

***The Reconfiguration Process:***

In the Parish Reconfiguration Section of the Roman Catholic Archdiocese of Boston website ([http://rcab.org/Parish\\_Reconfiguration/HomePage.html](http://rcab.org/Parish_Reconfiguration/HomePage.html)), the Reconfiguration Report ([http://rcab.org/Parish\\_Reconfiguration/reconfigurationReport.html](http://rcab.org/Parish_Reconfiguration/reconfigurationReport.html)) explains that: “After assuming leadership of the Archdiocese of Boston, Archbishop Seán gradually became aware of several important factors which singularly and taken together were having a negative impact on the ability of the Archdiocese of Boston to provide pastoral care for all of the faithful in an equitable manner and to fulfill the mission of the Church in all its aspects.” The four factors were:

- Demographic shifts in population [to suburbs such as Framingham];
- A decline in the number of priests;
- Financial challenges affecting a sizable percentage of parishes; and
- The deteriorating condition of Archdiocesan properties.

The substance of these critical factors are reiterated and elaborated on, as well, in your letter dated December 16, 2003 that set forth remarks to pastors of the Archdiocese, in your February 4, 2004 remarks on Boston Catholic Television, in your January 9, 2004 letter to the

Archdiocese of Boston, in Bishop Lennon's January 10, 2004 letter to pastors outlining the reconfiguration process and the questions to be answered. You announced that parishes would have to close, as well as the process that all clusters were to follow. You announced from the outset that no decisions had been made with regard to what parishes should be closed.

Before we ever met as a Cluster, shortly after it was announced that parishes were to be closed, but before the closing process was begun, Msgr. Frank Strahan, the Vicar Forane for our region, announced to his parishioners at morning Mass that St. Jeremiah's was the parish in Framingham that was to close. There was no question – it was a statement of fact, which he repeated in various venues during the process. All of his actions thereafter, during and after the cluster meetings, were to ensure that his decision was to be enforced. The closing of St. Jeremiah was a *fait accompli*.

The Framingham cluster met on February 2, 9, 23, 2004 and March 4 of 2004. Parish meetings were held between February 9 and 23, 2004. Reports were prepared by the Cluster and submitted to the Vicar Forane on March 8, 2004. Each parish was required to submit "Collaborative Data for Reconfiguration Open Meetings." This data was submitted along with its report and was forwarded up the line through the Vicar, the Regional Bishop, the Central Committee to you, who consulted based upon this information with the Presbyteral Council.

The Vicar forwarded his report to the Regional Bishop, who forwarded his recommendation to the Central Committee who, after reviewing all materials submitted to them, including the Cluster reports, made recommendations to you. You recite in our Decree that you consulted on May 7, 2004, with the Presbyteral Council who met to discuss the recommendations. On May 25, 2004, you announced the results of reconfiguration process by sending letters to all parishes affected, announcing the decisions on the FAQ pages of the Parish Reconfiguration Section ([http://rcab.org/Parish\\_Reconfiguration/FAQ.html](http://rcab.org/Parish_Reconfiguration/FAQ.html)) and by releasing statements to the local newspapers.

The cluster teams were to include: "pastors, one or two staff persons from each parish, and a member of each parish's Parish Pastoral Council and Finance Council" and there was to "be a forthright exchange of information and data about each parish, e.g., financial viability, Mass attendance, Sacramental activity, state of physical properties, etc." This information was to be provided by the parishes on a single-page inventory. You, in consultation with the Archdiocesan Presbyteral Council, was to make his decision based on the "cluster's responses, the Vicar Forane's assessments, the Regional Bishops' recommendations, along with the Central Committee's advice." Canon 515 § 2 of the Code of Canon Law.

Two key categories that were goals of reconfiguration process were: Financial challenges affecting a sizable percentage of parishes; and the deteriorating condition of Archdiocesan properties. The information submitted on these issues was of critical import to making informed and conforming decisions during the Reconfiguration process.

In our Cluster Report, St. George Church, the "welcoming parish" to St. Jeremiah parishioners reported the following on the condition of their buildings: "Ch. & Rect. Very Gd. Hall Good." With respect to "Serious Repair Work in near future" St. George reported "Hall windows." With respect to "Deferred Maintenance" St. George reported "\$10,000-30,000."

With respect to its Debt to Archdiocese, St George reported “none.” In addition, St. George reported as to “Church Capacity: 800 upstairs, 49 in Choir loft and 51 in lower Chapel.” These facts were not correct and this error seriously compromised the Cluster process.

In our Cluster Report, St. Jeremiah reported the following on the condition of their buildings: “Very Good.” With respect to “Serious Repair Work in near future” St. Jeremiah reported nothing. With respect to “Deferred Maintenance” St. Jeremiah reported “Under \$10,000.” With respect to its Debt to Archdiocese, St Jeremiah reported “none.” St. Jeremiah reported a “Church Seating Capacity: 500.” This information was completely accurate.

On November 11, 2004, you correctly decided to delay the closings of many parishes, including St. Jeremiah Parish. Its closing was rescheduled from December 1, 2004 until May 15, 2005. At the same you created an External Review Committee of the Reconfiguration process commonly referred to as the “Meade/Eisner Committee” named for its co-chairpersons. This committee, made up of lay persons, was to review the Reconfiguration Process and report back to you. After a few months, you asked the Committee to meet with parishes in Prayerful Vigil and other parishes that were scheduled to close.

On March 2, 2005, the Appeal Committee and parishioners of St. Jeremiah Parish met with members of the “Meade/Eisner” Committee to discuss our status in the Reconfiguration process. The Appeal Committee and parishioners presented new and additional information to the Committee, included information concerning the financial challenges affecting St. George’s Church and the deteriorating condition of the St. George property. In addition, St. Jeremiah presented information that concerned serious traffic, parking and wetlands issues that made it impossible to rectify existing adverse conditions that would only worsen with the addition of a significant number of new parishioners if St. Jeremiah should close. The bottom line was that St. George was effectively not handicap accessible, needed a handicap lift to make the Church accessible to disabled parishioners, and needed approximately \$800,000 in additional repairs to accommodate the larger parish. (See copy of report attached.) This means it would take almost \$1 million to keep St. George open. St. Jeremiah needs no such investment.

On March 31, 2005, you announced your decision on the status of 10 parishes that had appealed their closings and had met with the Meade/Eisner Committee. The press release stated that you “accepted the recommendations” of the Meade/Eisner Committee with respect to those parishes. That Press Release did not mention St. Jeremiah Parish. St. Jeremiah had no communication from either the Archdiocese or the Meade/Eisner Committee.

On or about April 15, 2004, our pastor announced that St. Jeremiah was still set for suppression. We received our Decree on April 26, 2005 setting forth that you met with the Presbyteral Council regarding this matter on May 7, 2004 and the First Decree appears to be issued on April 25, 2004. Only as a result of our filing our Petition for Emendation and Revocation on May 1, 2005 identifying that error was the Second Decree issued. That does not resolve the issue whether you properly, timely and effectively consulted with the Presbyteral Council.

In addition, the week of April 17, 2005 and just prior to our receipt of St. Jeremiah’s Decree of Suppression, Fr. O’Brien, the pastor of St. George, announced in the bulletin, that it will cost \$120,000 plus (because the electrical wiring among other things is not included) to install the handicap lift and that he was applying to the Archdiocese for a loan to fund the

project. (copy attached). In the bulletin of April 24, 2005, Fr. Calhoun, the pastor of St. Jeremiah and who has received an assignment to St. George, announced that during the past week he had met with you “one on one” and had presented to you a list of repairs needed at St. George (*See* list and bulletin attached hereto). An estimate of the repairs needed at St. George is approximately \$700,000, not including the handicap lift. St. Jeremiah needs no such repairs or improvements. The true nature and extent of the facilities issues as St. George were not identified during the Cluster process, nor known to you when you spoke with the Presbyteral Council on May 7, 2004. (*See* photos attached).

Last weekend, Confirmation took place at St. George’s Church for the “new” parish that includes parishioners from St. Anselm’s, St. George and St. Jeremiah parishes. Eighty-five students were confirmed. The Church could not accommodate all of the people who wanted to attend. Traffic, parking and safety problems abounded. (*See* photos attached).

During the Cluster process, a second parish in Framingham was put forward for closure: St. Stephen’s Parish. It is our understanding that the Central Committee recommended that St. Stephen’s close and also that the pastors of that parish volunteered it to be closed. St. Stephen’s Parish, unlike St. Jeremiah Parish, is not self-sustaining. St. Stephen’s Parish is in need of repairs. In its most recent bulletin of May 15, 2005, the pastors announced in the “Financial Update” section that the parish was not meeting its financial obligations – even with its rental income and also acknowledged that the parish was in debt to the Archdiocese. St. Jeremiah, on the other hand, was not in debt, was more than meeting its obligations, was a great contributor to the Archdiocesan financial campaigns and did not need any improvements or repairs.

None of this new information was known to you or the Presbyteral Council during its meeting and consultation with you on May 7, 2004 regarding closing parishes, including St. Jeremiah. This new, important and relevant information may well have changed their recommendation to you, as well as your decision. You must consider these factors now in order to exercise your “dutiful concern for the spiritual needs of the people of Framingham.”

As illustrated in our March 2, 2005 presentation to the External Review Committee and our letter to Archbishop O’Malley dated February 15, 2005 (*See* copy attached), St. Jeremiah’s parish *does not* meet any of the criteria for closing in the Reconfiguration process. The closing of our beloved, active, vibrant and spiritual parish was the result of a flawed process and incorrect information as to two of the other parishes in our Cluster process. Lay people have a right and a duty to “manifest” their views that concern the good of the Church as well as to “vindicate and defend the rights they enjoy in the Church in the competent ecclesiastical forum according to the norm of law.” Code of Canon Law 221. This is what we do and what we seek by this Petition and our prayerful Vigil.

The goal of the Archdiocese was that the reconfiguration process would identify parishes in decline and, therefore, appropriate candidates for closure. This process is based upon an intrinsic assumption, however, that in every cluster one or more parishes will be so identified. That assumption is unsustainable. So, from the outset, a necessary result of the process would be that some strong and needed parishes would be required to close, whereas other weaker and perhaps redundant parishes would remain open. This is because of a fatal flaw in the process in

that the Archdiocese did not provide clear, unambiguous, and objective criteria and guidelines for the clusters to follow in their meetings and deliberations. Ideally, each cluster would have been operating with the same tools and the kind of discussion and factors being considered by one cluster would be in sync with the work of any other cluster in the Archdiocese. That clearly wasn't the case. The fundamental problem with this is that throughout the Archdiocese, instead of objective, fact-based, consistently good recommendations emanating from the clusters, subjectivity ruled with the result that some illogical, irrational, and inconsistent selections were forwarded to the Vicars.

In the Reconfiguration Report, under “Part II — The Plan for Reconfiguration” it is noted that “[t]here will be changes in every one of the 82 clusters.” It is clear to us in viewing from the sidelines that the Central Committee acting on their own, or at your or Bishop Lennon’s direction, or you on your own, concluded that including a change in “every” cluster was desirable and provided an equitable distribution of sacrifice, perhaps as a way to mitigate any charges or claims that the reconfiguration process was inequitable or unfair. Would that be so. Unfortunately, in consequence, some parishes that were ripe for closing will be sustained—at least temporarily—through reallocation of resources obtained from the sale of property from closed parishes and Archdiocesan beneficence. In those clusters such as Framingham’s, where no parish should be closed, the result of reconfiguration is decimation. Following the mandate resulted in what we stated above, *i.e.*, that a number of strong parishes, which do not meet any of the four factors that drove the need to institute the process, face closure merely by virtue of the fact that they are in strong clusters. This undermines and is a true disservice to the overall objective of reconfiguration.

### ***Uneven application of the process***

Finally, an important flaw in the cluster process presented in Towns that had parishes that cross-borders or were very close to a bordering parish. In the Framingham cluster we had two such parishes: St. Linus in Natick is approximately ½ mile from St. Stephen’s parish south of Route 9; St. Anselm’s Parish in Sudbury includes parishioners from the northern part of Framingham. St. Anselm’s is less than ½ mile from St. George Parish and less than 1 mile from St. Jeremiah Parish. During our cluster process we were forbidden from taking these parishes and their people into consideration in our deliberations. Thus we were prevented from considering the impact of adjacent parishes that could or would be closed and the ultimate impact on the remaining parishes. This had an incredibly adverse consequence on the subsequent decisions.

“[T]he Christian faithful . . . have the right to be judged according to the prescripts of the law applied with equity.” Canon 221 § 2. “Canonical equity aims at ensuring that rights are protected or injustices corrected in situations where a strict application of the law might harm these rights . . . Equity ensures that the Church’s mission of salvation remains paramount (see c. 1752), reflecting the Church as *communio* . . .” [C]anonical equity “safeguards the natural justice recognized through human reason. It abets the effort of ecclesiastical law always to be open to the possibility of supernatural evangelical love, compassion and mercy. It manifests the hope of the Church for the future by helping to ground the juridical structure of the present in the Tradition.” “New Commentary on the Code of Canon Law” (CLSA, Beal, Coriden and Green, eds.) p. 281 at n. 154-55.

We believe that these events, which occurred during the Reconfiguration process, tainted the result. For all these reasons, our cluster closing process was flawed, inaccurate and unjust. The decision of the Archdiocese was not in accord with its own criteria. The decision should be reversed.

Our parish is spiritually vibrant and growing! Our parish was and is growing in numbers from the bottom up – Baptisms far outweighed funerals. So, although at first glance our Sacramental Index may appear low – we are really growing. When examined closely, the reasons that our parish should remain open are obvious and essential to the true mission of the Church. We have the second largest CCD program in Framingham. And, when considering St. George, St. Anselm and St. Jeremiah Parishes, we are the largest in number of families and parishioners of these three parishes.

We believe that the flaws that developed in the process used by the reconfiguration teams in our cluster, taken individually or taken together, resulted in a defective examination of the relative values of the parishes to the Catholic community in Framingham and a defective recommendation from the cluster, not apparent to reviewers at the higher levels in this process. We believe that the higher levels of review were unaware of the defects in the particular process in our cluster and thus, were unaware that the cluster recommendation was defective and not one upon which to rely. We believe that reviewers relied on this defective recommendation to our detriment.

While Canon 515, § 2 requires the diocesan bishop to consult with the Presbyteral Council prior to suppression of a parish, the Presbyteral Council was not in existence until the reconfiguration process was already well under way and had gone through multiple levels of decision/review. The consultation is to be a genuine consultation, based on Canon 369's requirement that the presbyterate share responsibility with the bishop for the "portion of the people of God...entrusted to" him. Where the Council did not exist and, thus, the members were not aware of their upcoming responsibility to consult in the suppression of parishes, or have the authority as a council to make alternative recommendations early in the process, the quality of advice offered to you must have been adversely affected, to our detriment and in derogation of Canon 515. J. Provost, "Some Canonical Considerations on Closing Parishes," *The Jurist* 53 (1993) 362-370. "It would be a mistake for the planning process to complete a total package, and then inform the Presbyteral council on the results. Even though in some sense this is indeed consultation (that is, the Presbyteral council could recommend against the package, or recommend major modifications in it) the impression can be given that the council is being brought in too late for its advice to be significant. That impression would seem to be in violation of the council's role in canon 515, § 2."

By the time the Presbyteral Council addressed Reconfiguration, all the previous levels had rendered their recommendations and comments. You presented a list of decisions to suppress parishes that had already been made for their deliberation. We believe that, had the Presbyteral Council been in existence to give consultation and advice, including offering the wisdom of requiring objective criteria/guidelines for deliberations, then alternative solutions to the problems said to be driving the reconfiguration process, or the process itself, may well have been suggested and accepted, obviating the need for suppression of vibrant, successful and self-supporting parishes, such as St. Jeremiah.

The Presbyteral Council did not have any of the information that you now have before you regarding St. Jeremiah, St. George and St. Stephen's parishes. Thus, there was no effective consultation at the time of the decision in May of 2004, nor thereafter when the very recent information emanating from St. George, *i.e.*, if the information about the handicap lift and repairs needed, as well as the financial situation of St. Stephen is now known. If this information were known during the cluster and consultative processes, a different decision may very well have been made.

### ***Lack of due process***

It must be noted that we are unable to address the considerations conducted at six of "the seven steps in the reconfiguration decision process" because no one who works for you at the Archdiocese who we asked would provide us with any of the information we requested and believe is necessary to our appeal. With our "ten useful days" diminishing, we had no choice but to press ahead with what we do know, believing that in fairness you will give us the opportunity to amend this petition once we receive the information that we have requested, because a failure to provide us with that information is inconsistent with your commitment to "transparency."

Therefore, we have no knowledge of (and so are unable to address or respond to) the Vicar's comments or suggestions after he reviewed the Framingham cluster's recommendation; no knowledge of the Regional Bishop's comments or suggestions after he reviewed the cluster's recommendation and weighed it with any and all comments or suggestions of the Vicar; no knowledge of the *specific* information, deliberations, or analysis—including what materials showing "[i]ndications, trends for growth or decline in the population upon which a parish draws" were employed—of the Central Committee after it reviewed the Vicar's and Bishop's previous comments, suggestions, and additions; no knowledge of your specific thinking with regard to the merits of closing St. Jeremiah, other than it is your "belief that two parishes are sufficient to serve the needs of the faithful in Framingham." As set forth above, this is clearly an error.

We do not know what you discussed about St. Jeremiah during your consultative meetings with the Presbyteral Council on May 7, 2004. What we do know is that neither you nor the Presbyteral Council had the information that we presented to the Meade/Eisner Committee on March 2, 2005 and that we present in this Petition. The information that was presented to the Meade/Eisner Committee was available to you when the Second Decree was issued and also perhaps the First Decree. There is no way we can know whether you have reviewed the information. Clearly, however, you have not considered this information with the Presbyteral Council since you have not met with them on this matter since May 7, 2004. This information is pertinent to and essential to any decision regarding St. Jeremiah and St. George parishes. The failure to consult the Presbyteral Council about this information violates the following Canons: 515 § 2, 124 § 1, 126, 127 and 221 § 2. All Decrees must be revoked and St. Jeremiah Parish restored to its prior state.

### ***New and pertinent information***

In addition to the information set forth above, our presentation to the Meade/Eisner Committee contained new information concerning the population increase expected in the Towns of Framingham and Sudbury in the next 10 to 15 years, one of the highest potential projected

growths in population of any Greater Boston community. We have checked with the local authorities involved with planning and community development in Framingham and learned that no one from the Archdiocese had asked about *current* “trends for growth.” We also submitted information concerning traffic, parking, wetlands and a building moratorium – all adverse conditions existing at St. George’s location. None of these adverse conditions exist at St. Jeremiah’s location. (See presentation enclosed). Thus, St. Jeremiah can accommodate a larger parish without a significant influx of funds from the Archdiocese. Retaining St. Jeremiah furthers the goals of Reconfiguration.

According to the information in the Reconfiguration Report “the following specific criteria were then factored [in] by the Central Committee in reaching its recommendations... [i]ndications, trends for growth or decline in the population upon which a parish draws.” We checked with planning and development folks in Framingham and nobody reported having a call from the Archdiocese or the Central Committee seeking this information. The information is readily available and shows a demonstrable difference in the religious resources required in the two communities.

The decision to suppress St. Jeremiah requires not only reconsideration – but also requires revocation of the Decree(s) of Suppression. Relevant, pertinent, and essential information was not solicited or considered. Rather, we were ordered under the duty of obligation to answer the two questions posed by Bishop Lennon. This deprived you and all of your advisors of data which proves that, by closing St. Jeremiah you are not closing a declining, inactive, fiscally insolvent parish in Framingham, but perhaps the strongest, most vibrant parish community in the entire town.

### ***Your “dream” is our reality***

In your Feb. 4 remarks, you asked viewers “to picture your dream” of what one’s church can be like after reconfiguration. You asked: “Do you long for more participation and better music at Mass, do you hope for a vibrant youth group for your teens, do you wish there were something more parishes could do to accommodate the elderly, [and] do you see a vision of a parish where people are eager to gather to share how they live the Gospel? Can you picture a parish that reaches out to the community with the love and support that a strong faith community can offer?” In those remarks you described the life of St. Jeremiah Parish as it exists today despite our being in the middle of the battle of our lives to fight imminent suppression and permanent closure.

“Dream and plan,” you challenged the viewers of Boston Catholic Television who were watching your address that night. Now, respectfully, we challenge you to recognize that the process our parish, and other vibrant parishes, were subjected to through reconfiguration, facing the ultimate consequence of reconfiguration—the guillotine of permanent closure through suppression—was patently unfair, unwarranted, and was likely to lead to unnecessary and costly litigation, which (under Canon Law 1733) is to be avoided at all cost. Of course, closing vibrant parishes makes no sense now and didn’t then. In fact, near the end of that lengthy Feb. 4 address, you assured the viewers that: “We are going to continue to support strong parishes where vibrant life and liturgy can be found.” Support St. Jeremiah!

You call for obedience of priests and the faithful, but as Pope John XXIII's Encyclical Letter, *Pacem in Terris*, of April 1963 makes clear: one's right contains a correlative duty. Your right to obedience carries a correlative duty to be just.

For the reasons stated, the Parish, through its members, respectfully requests you reconsider and revoke the decree.

May God Bless You.

THE PARISHIONERS OF  
SAINT JEREMIAH PARISH

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*Mary Elizabeth Carmody*

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*Jackie Lemmerhirt*

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*Thomas Schmitz*

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*Lorraine Dray*

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*Mary Ann Moore*

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*Maureen Bonzey*

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*William R. Sell*

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*Adam Sell*