

30 June 2022

Dennis Kern  
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His Eminence  
The Most Reverend Lazarus You Heung-Sik  
Prefect, Dicastery for the Clergy  
Palazzo delle Congregazioni  
Piazza Pio XII, 3  
00193 Rome  
ITALY

RE: Divine Providence Parish and the Churches of Saint Peter and Saint Joseph, New Britain, Connecticut, USA.

Your Eminence,

By way of introduction, I serve as Procurator recourse on behalf of the Catholic Faithful of New Britain who are predominantly members of Divine Providence Parish (Attachment 1).

On 15 May 2022, the Archbishop of Hartford, the Most Reverend Leonard P. Blair, issued a Decree of Extinctive Union, dated 26 April 2022, by which he suppressed three parishes by extinctive union Saint Francis of Assisi Parish thus implementing (what he has termed) the 'municipal model' in New Britain (Attachment 2).

On 24 May 2022, I initiated hierarchical by filing *remonstratio* (Attachment 3). I asked the Archbishop to reconsider his decision as it suffered from violations *in decernendo* and *in procedendo*.

Prior to the April 26 Decree, the Archbishop enacted a series of extinctive unions in New Britain. On 29 June 2017, the eight parishes were consolidated into four parishes:

1. The Parishes of Saint Peter and Saint Joseph were suppressed to form **Divine Providence Parish**;
2. The Parishes of Saint Jerome and Saint Maurice were suppressed to form **Saint Katherine Drexel Parish**; and,
3. The Parishes of Saint Andrew and Saint John the Evangelist were suppressed to form **Holy Apostles Parish**.
4. The Parishes of Saint Ann and Saint Mary were suppressed to form Saint Joachim Parish. This Parish is not affected by the April 26 Decree. According to the Archbishop, it will remain a separate parish as it tends to a multilingual community as well as the Neo-Catechumenal Way.

Therefore, as of 2017, New Britain had five territorial Parishes: 1. Saint Francis of Assisi, 2. Divine Providence 3. Saint Katherine Drexel, 4. Holy Apostles, and 5. Saint Joachim. According to c. 114 §3, *The competent authority of the Church is not to confer juridic personality except on those aggregates of persons or things which pursue a truly useful purpose and, all things considered, possess the means which are foreseen to be sufficient to achieve their designated purpose*. Juridic persons are perpetual by their nature (cf. c. 120). A parish is a certain community of the Faithful stably constituted within a diocese (cf. 515 §1). To have three parishes erected in 2017 and then suppress them only five years later is contrary to their nature and stable constitution.

Was not their very erection in 2017 a testament to the fact that each had the means to achieve its purpose as a parish in New Britain? If not, then the erection of Divine Providence, Saint Katherine Drexel, and Holy Apostles Parishes can only be understood as a means to a predetermined end without motivation for the care of souls or any identifiable canonical process involving those most affected by a reconfiguration—the Faithful.

On 23 June 2022, I received another Decree from His Excellency, dated 21 June 2022, "*rejecting the petition for revocation of a decree on the merger of Saint Francis of Assisi, Saint Katherine Drexel, Holy Apostles, and Divine Providence Parishes in New Britain*" (Attachment 4).

**Therefore, I now appeal to the Dicastery for the Clergy:**

- The Archbishop does not address the full contextual history of the facts of this case, including the erection of the parishes in 2017 that he now suppresses by extinctive union and a November 2021 announcement in which he had manifested the decision on a municipal or mother church in New Britain (Attachments 5). Instead, he relies on errors of fact.
- The Bishop does not address any of the violations *in decernendo* or *in procedendo* in his June 21 letter which I outlined point by point in the May 24 *remonstratio*; nor does he provide for Requests 2-8. Instead he resorts to non-issues, insults and more error.

#### **OBJECT OF RECOURSE**

The object of recourse is the 26 April 2022 Decree of Extinctive Union, but it is not the decree alone. The object of recourse includes the contextual history of acts that dispositioned and prejudiced Divine Providence Parish towards its formal suppression. There is great harm that is personal, direct, historical and current. The violations of law caused harm to the rights of the recurrences and to the unity of the Church. Worse, it is an abuse of office and ecclesiastical discipline (cf. cc. 1378 and 392, respectively). Therefore it demands redress and not the deflections put forth in the June 21 letter of the Archbishop (cf. c. 128).

**REGARDING THE VIOLATIONS *IN DECERNENDO***, please refer to pp. 2-4 of the May 24 *remonstratio* (Attachment 3).

**REGARDING THE VIOLATIONS *IN PROCEDENDO***, please refer to cf. p. 4 of the May 24 *remonstratio* (Attachment 3).

#### **COUNTERARGUMENTS TO HIS EXCELLENCY'S JUNE 21 DECREE**

1. *'The Catholic Faithful of New Britain' which seeks to preserve Divine Providence Parish with two sacred edifices, Saint Joseph Church and Saint Peter Church, lacks both public and private juridical personality in the canonical order.*

This is irrelevant and an error. As Procurator, I represent the individual signatories of the submitted mandates (Attachment 1), who are generically known as the 'Catholic Faithful' and who also have domicile or quasi-domicile in New Britain, Connecticut; hence the term Catholic Faithful of New Britain. The generic term used in my May 24 *remonstratio* does not introduce a public, private, or recognized private association of the faithful. It is not clear why the Archbishop chose to dwell on the legality of this term when he himself used it generically in his November 2021 letter (cf. Attachment 5).

2. *The grievances stated in the petition are not in the least indirectly protected by law, nor do they merit juridical consideration.*

The recurrences can legitimately vindicate and defend the rights which they possess in the Church in the competent ecclesiastical forum, because We are 1. Members of the Catholic Faithful; 2. Subjects within the Archdiocese of Hartford; and, 3. Parishioners, Ministers, and Donors of Divine Providence Parish. For these reasons, the recurrences have legal standing, subjective rights as baptized persons and a profound interest in the matter regarding the stability and legitimacy of their worshipping and evangelizing community (cf. cc. 96, 107, 212 §2 and 221 §1).

3. *In addition, there must be a relationship or proportionality between the harmed interest and the motives which moved the superior to perform the administrative act.*

This is an error in legal principle.

First, the Archbishop failed to identify sufficient cause specific to the parishes that he suppressed by the April 26 Decree. Therefore, it is impossible to establish relational or proportionate harm to that which is not there except for the fact that it is harmful to suppress a parish without motivation specific to it. Further it is not necessary for the recurrences to establish a relationship or proportionality between the harmed interest and the motives which moved the Archbishop to issue his April 26 Decree. The Archbishop himself bears the burden to prove that the decision to suppress the Parishes of Divine Providence, Saint Katherine Drexel, and Holy Apostles is proportionality better than the decision not to suppress those same parishes.

Second, the Archbishop alludes "to the harm [to the conglomerated New Britain Parish] that comes from the objective fact of the merger in his April 26 Decree. *"The new merged entity will be known as Saint Francis of Assisi, with seven sacred edifices"* (the Churches of Saint Francis of Assisi, Saint Peter, Saint Joseph Saint Jerome, Saint Maurice, Saint Andrew and Saint John the Evangelist). In his November 2021 letter to the Catholic Faithful of New Britain, His Excellency admits that it would be difficult for one parish to care for less than those allocated to Saint Francis of Assisi by the April 26 Decree (cf. Attachment 5: *"As of January 1 there will be seven church buildings in New Britain in need of priestly ministry, each of the three parishes with two churches (Divine Providence, St. Katherine Drexel, and Holy Apostles)...even four church campuses will be impossible to sustain in the long term"*).

By objective fact of the merger, the Archbishop admits it would be difficult to sustain even four churches, but he has not decided to enact a merge that will require one parish to sustain seven churches knowing it will be impossible to sustain long term. In the November 2021 letter, the Archbishop acknowledges that the consolidation of the New Britain parishes worsens the patrimonial condition of Saint Francis Assisi Parish. Even more alarming, by the April 26 Decree, he has placed Saint Francis of Assisi Parish in an "impossible" and untenable situation. It prejudices some of these churches towards future relegation. Already in January 2022, the new Pastor, Father Michael Casey shuttered Saint Maurice, Saint Andrew, and Saint Peter Churches in anticipation of the merger (Attachment 6).

Third, any significant reconfiguration worsens the patrimonial condition of a diocese. If the Archbishop decided to reduce the number of parishes in the Archdiocese, then he creates a situation in which there are fewer parishes to tax. Thus in addition to those persons affected by an extinctive union, the Archbishop would be obliged to seek the approval of the archdiocesan Finance Council and the College of Consultors according cc. 1292 §1 and 1295. In the May 26 Decree, there is no indication of this. Therefore I return to the violations *in procedendo*.

4. *"The Catholic faithful of New Britain are trying to prove too much while in fact proving nothing. The parties do not indicate what rights have been injured or that they are vindicating for themselves."*

To assert something does not by that mere fact make it true.

As stated in Counterargument 3., the Archbishop bears the burden of proof. He must seek the necessary information and proofs to demonstrate that there is just cause specific, i.e. *ad rem*, to Divine Providence Parish (as well as the specific cause to Saint Katherine Drexel Parish and to Holy Apostles Parish) which motivates him to suppress it (them). This was not done before the issuance of the decree; nor was it specified within the April 26 Decree for each parish that was modified.

Because the burden is on the Archbishop, he also has not proven that the consolidation of four parishes will respond to the realities of demographic shifts, patterns of worship, and available clergy; strengthen current ministries; revitalize and expand the worshipping community; and foster evangelization of the young. Ironically, the 2017 consolidations demonstrate the exact opposite, especially since the three mergers were motivated for the same reasons. Consolidation in New Britain has not enhanced the care of souls or evangelization of others or increased the members of the worshipping community. There is a difference between pooling four communities together “to expand” a worshipping community and adding new members to build on what is already present. Rather than consolidate and risk further loss of souls, the Archbishop must allow the five-year old parishes to stabilize.

5. *The parties do not indicate what rights have been injured or what they are vindicating for themselves.*

The recurrences have the right to be consulted, and the recurrences were not involved in the decisions that have directly affected their divine worship and ability to seek the Word of God and sacraments. The Archbishop did not deem the parishioners a relevant party to the suppression of Divine Providence Parish. To disregard the recurrences, who are parishioners, subject, and donors, as irrelevant to the matter smacks of “clericalization of pastoral activity” (*Pastoral Conversion*, 38). To make matters worse, on 20 June 2022, the Pastor, Father Michael Casey disseminated an announcement to the Catholic Faithful of New Britain (Attachment 7). He mischaracterized the recurrences’ decision to pursue recourse against the April 26 Decree as harmful to the joint communities and the proposed alternatives as ‘personal rejection.’ “*After meeting with the representatives of this group and trying to explain to them the harm this cause to our joint communities and the spreading of the Gospel in our city, they refused to withdraw their appeal.*” The June 20 announcement demonstrates the type of rhetoric that is employed to divide the People and coax ecclesial communion by alienating those who lawfully utilize the disciplines of the Church. It seems strange for the Pastor to say, “*we are confident in the outcome.*”

The recurrences have the right to expect that the Archbishop will observe the essential elements established by the universal law regarding the Parish as a juridic person. “*When one is grouping together neighboring Parishes, naturally, the essential elements established by the universal law regarding the Parish as a juridic person must be observed and from which the Bishop cannot dispense*” (Congregation for Clergy, *Instruction Pastoral Conversion of the Parish Community in the Service of the Evangelizing Mission of the Church*, n. 47). Again the non-observance of these elements has been presented in my May 24 *remonstratio*.

The recurrences have right to a stable community (cf. c. 515 §1).

The recurrences have a right to enter and use the churches attached to their parish (cf. cc. 1214 and 1219).

The Churches of Divine Providence Parish, Saint Joseph and Saint Peter, also have rights established in law (cf. cc. 934 §2 and 937). Since January 2022, Saint Peter has been dubbed the subsidiary church of Divine Providence Parish; and it has not been used in accord with law and jurisprudence of the Dicastery for Clergy, viz. Mass twice a year on the titular feast and anniversary of consecration as well as access for daily private prayer.

6. *The proposed merger is also valid and licit...As Archbishop, I consulted the relevant parties and convoked the Presbyteral Council in accordance with canon 166, and after hearing the Council, I issued the aforementioned decree. Thus there were no violations in decernendo and in procedendo.*

If the diocesan bishop has cause to erect, suppress or notably alter a parish:

- He must first seek the necessary information and proofs, **and consult those whose rights can be harmed**, i.e. the members, ministers and donors of the parish to be erected, suppressed, or notably altered (c. 50). *A reconfiguration or restructuring of a parish(es) is not the responsibility solely of the Parish Priest, nor should it be imposed from above in such a way as to exclude the People of God.* In other words, the relevant parties are not limited to Archdiocesan Pastoral Planning Office, the local leadership or the Presbyteral Council.

*Whenever as a Church, as pastors, as consecrated persons, we have forgotten this certainty, we have lost our way. Whenever we [the sacred pastors] try to supplant, silence, look down on, ignore or reduce into small elites the People of God in their totality and differences, we construct communities, pastoral plans, theological accentuations, spiritualities, structures without roots, without history, without faces, without memory, without a body, in the end, without lives. To remove ourselves from the life of the People of God hastens us to the desolation and to a perversion of ecclesial nature” (Pastoral Conversion, n. 37).* The Catholic Faithful affected by a suppression by extinctive union are also “relevant parties” and according to c. 50, “must” be consulted if all necessary information and proofs are to be gathered by the diocesan bishop. He never consulted the portion of People of God that comprise Divine Providence Parish. It was merely the small elites of the Archdiocesan Pastoral Planning.

Because the Archbishop failed to meet with the parishioners of Divine Providence, Saint Katherine Drexel, and Holy Apostles, his April 26 Decree lacks specific motivations as to why it was necessary to suppress Divine Providence, Saint Katherine Drexel, or Holy Apostles. The motivations are general and vague, and they appear to be the same motivations to suppress the Parishes of Saint Peter, Saint Joseph, Saint Jerome, Saint Maurice, Saint Andrew, and Saint John the Evangelist in 2017. If the motivation to suppress these parishes was to achieve the same effects now enumerated in the April 26 Decree, then these motivations are faulty as the current situation proves that the opposite is true. Fewer parishes, let alone a single, municipal parish, do not build a worshipping community albeit artificially. It hastens its decline.

- He must hear the Presbyteral Council which “*must be genuine and should consider relevant arguments both for and against the proposed modifications*” (Congregation for Clergy, Prot. 2013 1348, n. 1-i). Moreover, c. 515 §2 requires that the Bishop hear the presbyteral council *before* a decision is made. This is required *ad validitatem*.

The April 26 Decree gives no indication that the Presbyteral Council considered relevant arguments to maintain four independent parishes in New Britain. It seems the Presbyteral Council only considered arguments for the conglomeration of all four parishes into one.

I argue that the Archbishop made a decision before he heard the Presbyteral Council on 25 April 2022. In the November 2021 letter, the Archbishop indicated that he was “*looking at a municipal model for all parishes, in some cases going back to what once was in terms of a mother church before suburban growth.*”

- Consequently, the faithful have the right to expect that the diocesan bishop will observe the norms of law. If not, the principles of law afford them the discipline by which to vindicate their rights and seek repair of the harm done by a wrong act or a wrongfully placed act (cf. c. 221 §1 and 128).

As I stated in my May 24 *remonstratio*, the violations *in decernendo* (the insufficient causes cited and the lack of causes specific to Divine Providence, Saint Katherine Drexel, and Holy Apostles Parishes) preclude any procedure by which to suppress the aforementioned parish(es)



despite the procedural elements recorded in the 26 April 2022 Decree. Without legitimate motivation, then there can be no process. How is a legitimate process undertaken if there is no proper motivation to undertake it?

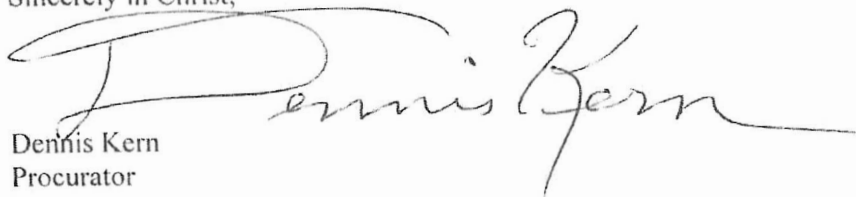
Regarding violations *in procedendo*, I would like to add to the violations in my May 24 *remonstratio*:

*For every Parish that the Bishop plans to suppress, he must issue a specific decree to this effect, carefully outlining therein the motivating factors directly related to the specific Parish (Pastoral Conversion, nn. 47-8). In a single administrative act, i.e. the April 26 Decree, His Excellency suppressed three parishes (Divine Providence, Saint Katherine Drexel, and Holy Apostles) into Saint Francis of Assisi Parish—which is now a single, conglomerated parish of New Britain. It is considered contrary to canonical norms to issue a single provision aimed at producing a reorganization of a general character, either of the entire Diocese, a part of it, or of a group of Parishes, by means of a singular administrative act (Pastoral Conversion, 49).*

For these reasons, I ask the Dicastery for the Clergy to:

1. Revoke the 26 April 2022 Decree of Extinctive Union;
2. Allow Divine Providence Parish to remain independent;
3. Direct the Archbishop to afford Divine Providence Parish the time necessary to pursue the purpose for which it was erected in 2017 and per c. 114 §3;
4. Direct the Archbishop to assign a less-burdened Pastor to Divine Providence Parish or explore extraordinary forms of collaboration offered by c. 517 §2.
5. Direct the Archbishop to suspend the effects of the 26 April 2022 Decree pending the definitive conclusion of hierarchical recourse;
6. Direct the Archbishop to sequester all patrimonial assets of Divine Providence Parish pending the definitive conclusion of hierarchical recourse;
7. Direct the Archbishop to observe the lawful care and use of Saint Joseph and Saint Peter Churches, which includes, but is not limited to, their respective feast days and anniversaries of consecration;
8. Direct the Archbishop to come visit the People of Divine Providence Parish, celebrate Mass, and consult with us on what has happened over the last five years to propose a better response to the realities that the Archdiocese of Hartford must confront.

Sincerely in Christ,

A handwritten signature in black ink, appearing to read "Dennis Kern". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dennis Kern  
Procurator

Copy: Mandators