

The Most Reverend Salvatore R. Matano, STL, JCD

Bishop of Rochester

1150 Buffalo Road,

Rochester, NY 14624

November 22, 2020

Dear Bishop Matano,

We write to you as Catholics, both from St. Frances Xavier Cabrini Parish in Rochester and points farther afield in the hope that the proposals for resolving the question of the future of St. Michael Church in Rochester presented in this letter and its attached documents will be of substantial long-term benefit to the parish, the Diocese of Rochester and the Catholic faithful of central New York and beyond. As your Excellency is aware, St. Frances Xavier Cabrini Parish like so many in urban neighborhoods throughout the United States is presently experiencing economic and other challenges to its ministry. The position of the parish could likely be said to be similar to that of the numerous former parishes which over time were absorbed into it, including those of the three churches presently existent within its boundaries. As you know, discussions are taking place to determine how the financial and other challenges facing the parish might be alleviated. While no formal decisions as to how to proceed in this regard may have been made, the facts of the situation and discussions thus far would seem to illustrate that the future of St. Michael Church lies at the center of many of these discussions. It is our hope that the plan we lay out in the paragraphs below will provide the best possible roadmap for St. Francis Xavier Cabrini Parish to be freed from the responsibility of caring for its St. Michael campus and at the same time satisfy those who wish to see St. Michael Church remain a Roman Catholic sacred space within a neighborhood of the city of Rochester presently experiencing a multitude of privations.

Prior to drafting this letter we undertook a great deal of research into the code of canon law of 1983 of the Roman Catholic Church as it applies to church buildings as well as the jurisprudence of the Holy See. While those writing this letter had previously been part of an informal group seeking solutions to the difficulties facing St. Frances Cabrini Parish and additionally plans which would allow for the continued existence of St. Michael Church, we realized recently that we had little in the way of concrete knowledge as to what the laws of the church stated concerning situations similar to the one faced by St. Frances Xavier Cabrini Parish and St. Michael Church, i.e. the proper course of action to take with regard to churches which multi-church parishes can no longer support. We also reached out to Brody Hale, an attorney who has founded a nonprofit called the St. Stephen Protomartyr Project to assist Catholics in developing alternatives to the permanent closure (relegation to profane but not sordid use) of Catholic churches to seek his guidance. The information we gained through our research and discussions with Brody did much to help us understand all of the dimensions of the situation St. Frances Xavier Cabrini Parish and St. Michael Church face at present and clarified for us what we believe to be the best solutions for this case. We will first outline below what we have learned regarding the treatment of

churches and parishes by canon law and the jurisprudence of the Holy See, and then explain how this has led us to propose the solutions we present.

With so many Catholic churches being permanently closed today throughout the nation and the world, we were surprised to learn that it has only been possible since 1983 to validly permanently close a Roman Catholic church building which has not been completely destroyed. It was in this year that section 2 of Canon 1222 (the canon which addresses the permanent closure of churches, i.e. their “relegation to profane but not sordid use” in the present code of canon law) was added as part of the broader revision of the Pio Benedictine Code of Canon Law of 1917. Prior to 1983, it was impossible to validly permanently close a Roman Catholic church building under canon law unless it had been damaged to a point beyond which it was impossible to be repaired (a paper written by an Italian canonist discusses this history; it is included with this letter with the section we are referencing highlighted.) This is not to say that churches were never closed. In areas of the United States like Baltimore, Boston, Chicago, etc., such things as so-called “urban renewal” near the middle of the twentieth century certainly led to the demolition of churches and the elimination of parishes they were meant to serve. Locally, economic development forced the Diocese of Rochester to relocate its cathedral in 1937. While Roman Catholic churches have also been closed at many other points in history both in the United States and abroad, it is likely that in some cases they were not necessarily closed in a canonically valid manner.

After learning that it was not until 1983 that rules surrounding the permanent closure of Catholic churches had been loosened even slightly (they are still quite restrictive as we will discuss later,) we were curious as to why canon law insists that such great care be taken when determining whether it is appropriate to permanently close a Catholic church. We found that Roman Catholic church buildings are defined by Canon 1214 of the Code of Canon Law of 1983 which states “Can. 1214 By the term church is understood a sacred building designated for divine worship to which the faithful have the right of entry for the exercise, especially the public exercise, of divine worship.” http://www.vatican.va/archive/cod-iuris-canonici/eng/documents/cic_lib4-cann1205-1243_en.html#CHAPTER_I. The key word in this canon is “sacred.” We learned that Roman Catholic churches, unlike other buildings which exist in the world, are “sacred” buildings. The term “sacred” as it applies to space, is defined both in canons 1205 and 1210 of the Code of Canon Law of 1983; the text of both canons can also be found by following the above link. In short, sacred spaces (including churches) are those spaces set aside through their dedication solely for Roman Catholic worship. They are thus different from “profane” spaces, i.e. those spaces in which any other activity can occur, such as one’s home or place of business.

Furnished with the understanding that churches are not just ordinary buildings, we came to see why it was in 2013 that the Congregation for the Clergy of the Holy See, the dicastery (department) of the Vatican which regulates among other things the interpretation of canon law and the jurisprudence of the Holy See as they relate to the elimination of parishes and the closure and alienation of church buildings, promulgated a set of guidelines which remain the definitive set of rules governing these practices. We have included a copy of these guidelines along with this letter, and we have again highlighted the portions we are referencing. It is clearly stated in section two of these guidelines (on the relegation of churches to profane but not sordid use) that a Catholic church building should “retain its sacred character if at all possible”. The words “if at all possible” are the key words of this passage of the document, a point reinforced through other sections of the guidelines which will be referenced later.

The overall reason though that the guidelines admonish that a church only be relegated to profane but not sordid use if no means exist to allow it to be maintained as a Roman Catholic place of worship, regardless of how infrequent such public worship may be, stems from the fact that the profanation of space designated as sacred by the Catholic church is to be avoided if there is any means of doing so; this is true even after the revisions to the code of canon law made in 1983. Similar language to that referenced here from the Congregation for the Clergy's 2013 guidelines accompanied the introduction of section 2 of canon 1222 into the revised code of canon law when the code came into force in 1983. It is clear that while the drafters intended to allow for the relegation of a church to profane but not sordid use under conditions other than its destruction, they had no intention of introducing a means by which churches could be liquidated on mass for the sake of convenience when grave reasons allowing relegation did not exist.

The present situation of St. Frances Xavier Cabrini Parish is unfortunately not one unique to Rochester. Numerous parishes exist today following the merging of multiple parishes in response to various factors, including changes in population, financial difficulties being experienced by one or more parishes in a particular area, and the number of priests available for parish ministry. The Congregation for the Clergy has made clear that parishes can be merged based on the presence of a canonically "just" cause which in the opinion of the ordinary necessitates such an action being undertaken. The category of causes under canon law which are considered to be "just" with regard to the combination of parishes is quite broad. Shortages of priests and changes in population have been held by the Congregation for the Clergy to serve as just causes for the elimination of parishes, as illustrated in section 1 of the Congregation's 2013 guidelines. The combination of parishes however is an altogether different canonical process from the relegation of church buildings to profane but not sordid use. While both processes have been in many cases treated as one in the same, such is canonically improper and something, which in our experience can cause entirely preventable damage to the faith in a given area.

As was previously discussed, churches are not ordinary buildings. Their status as "sacred buildings" prevents them from being disposed of as one might dispose of an unwanted or unneeded house or commercial structure. The only circumstances under which canon 1222, whether it be section 1 or section 2, may be invoked to facilitate the lawful relegation of a Roman Catholic church building to profane but not sordid use are when causes of sufficient gravity (grave causes) are present to justify the taking of what is supposed to be this exceedingly rare step. While the requirements for the invocation of section 1 of Canon 1222 are fairly straightforward (a church being damaged beyond any point of repair) the text of section 2 is far less clear on its face. Scholarship on the question however has concluded that while various other factors in combination could in theory amount to a cause sufficiently grave to justify the relegation of a church to profane but not sordid use, various factors, even in combination, such as a shortage of priests, a decline in population, the lack of need for a specific church building on the part of a parish, etc. do not in and of themselves rise to a level of gravity that is sufficient to justify the relegation of a church building to profane but not sordid use. Similarly, it has been found that regardless of whether it may be the case that such factors as were noted in the previous sentence are present, if there are funds from any source available to care for the church as a Roman Catholic sacred space, it is not to be relegated to profane but not sordid use. The Congregation for the Clergy makes this clear in its guidelines of 2013 when it states "g) When considering questions of finances, the relevant financial need is that of the juridic person which owns the church and is therefore responsible for it. Furthermore, it must be demonstrated that other reasonable sources of funding or assistance have been

considered and found lacking or inadequate.” If funds which can allow a church to remain a Roman Catholic sacred space are present, the church in question is not to be relegated to profane but not sordid use.

While the future of St. Frances Xavier Cabrini Parish may well depend on various financial factors, the question of the future of St. Michael Church in Rochester is not directly tied to the condition of the parish. Whether or not St. Michael Church is relegated to profane but not sordid use rests solely upon one point; whether or not a canonically “grave” cause exists to justify the taking of such an action. The inability on the part of St. Frances Xavier Cabrini Parish to own or be responsible for the maintenance of St. Michael Church does not constitute a cause of sufficient gravity to relegate the church to profane but not sordid use if another canonically valid entity is able to step forward and take responsibility for the church’s care as a Roman Catholic sacred space and if necessary take ownership of the church as well.

While the most common arrangement for ownership of a church building in the United States is that which sees a parish or diocese directly hold title to it, canon law makes clear this is not the only valid ownership arrangement which exists. We were intrigued to find that what permits any entity (including a parish) to validly own Catholic church buildings is the fact that it possesses “juridic personality” either as a natural aspect of its existence or as a result of it receiving this status from the ordinary of the jurisdiction in which it is located or from the Holy See itself. “Juridic personality” is a status in canon law similar to that which corporations enjoy under civil law, i.e., an entity endowed with juridic personhood has rights and obligations under canon law in the same way that a real person does. Among the rights which a “juridic person” (an entity endowed with juridic personality) holds is the right to own “sacred goods,” i.e., goods whose sole purpose is for use in Roman Catholic sacramental activity. A church building is an example of a “sacred good” on account of it being a Roman Catholic “sacred space,” i.e., a space set apart solely for activities associated with Roman Catholic worship. Religious orders (known canonically either as institutes of consecrated life or societies of apostolic life depending on their principles of canonical organization) are endowed with “juridic personality” as a consequence of being either institutes of consecrated life or societies of apostolic life. Thus juridic personality is something these canonical entities possess as an integral aspect of their existence. Parishes similarly possess juridic personality as a consequence of their existence as parishes; each “parish” is a juridic person by virtue of its existence as a parish.

Other entities aside from parishes, dioceses and religious orders however are capable of gaining juridic personality. Associations of lay people established for a specific purpose solely focused on advancing an aspect of the Roman Catholic faith can also gain juridic personality. These associations canonically defined as “associations of the Christian faithful” (there are both “public” and “private” associations of the Christian faithful) can be granted juridic personality either from a local ordinary or the Holy See and thus acquire the right to own “sacred goods” including churches. During the discussions we have been a part of over the course of the last several months concerning the future of St. Michael Church, one objection often raised to a religious order taking responsibility for the church is that the order may not wish to take ownership of the church. Regardless of whether a religious order is prepared to take ownership of St. Michael Church, an association of the Christian faithful could ask for and be granted juridic personality in order that it can acquire the church in a canonically valid manner to ensure it remains a Roman Catholic sacred space. In the case such a group comes forward, the Diocese of Rochester would be obligated to grant the group juridic personality in order that it could maintain St. Michael Church as a Roman Catholic sacred space in the event no other entity wishes to do so, thus

avoiding the loss of the church's sacred character, given that the Holy See has stated that such a loss is to be avoided "if at all possible."

With all of this in mind, we want to let you know Bishop Matano that we and other Catholics are in the process of incorporating a group called the "St. Michael Society" as a nonprofit entity in the state of New York. Following its incorporation, we will be seeking federal tax-exempt status for the organization in accordance with section 501 C (3) of the federal tax code; we expect it should be quite straightforward to obtain this as several dozen other groups paying all of the costs associated with maintaining historic Roman Catholic churches which have not been relegated to profane but not sordid use throughout the United States have done so previously. With this in mind, we make the following proposals.

In order to resolve the question of the future of St. Michael Church most definitively and quickly, we ask that following the approval of the corporate paperwork of the St. Michael Society that you erect the group as a "private association of the Christian faithful" in accordance with Canons 312 and 322 of the Code of Canon Law of 1983. This will allow the group to be conferred "juridic personality" under canon law and thereby give it the right to own "sacred goods" with a church building being an example of a "sacred good." One of the prerequisites for becoming an Association of the Christian Faithful is that canonical statutes and bylaws be presented to the diocesan ordinary for his approval. We have thus included draft canonical statutes and bylaws in the documentation we enclose with this letter. We ask for your approval of these statutes and bylaws; we would be happy to discuss them further with you or a representative of your choosing. Following the society's receipt of juridic personality, we would then ask that you transfer ownership of St. Michael Church and such other portions of the former parish complex as you are willing to transfer to us to the care of the society, in order that we may begin caring for and maintaining the church as a Roman Catholic sacred space in conformance with the statutes of the society and the code of canon law.

As laid out in our draft statutes, the primary purpose of the St. Michael Society is to retain St. Michael Church as a Roman Catholic sacred space not relegated to profane but not sordid use (either canonically designated as a "chapel," "oratory," or "shrine"). We wish to do this in order to ensure that the church will remain a Roman Catholic sacred space, available for private prayer, the recitation of the rosary and novenas to the Blessed Mother and other saints. Additionally, we seek to ensure St. Michael Church remains available for the one mass to be celebrated within it which the jurisprudence of the Holy See reaffirmed in 2016 must be celebrated annually in every Catholic church (in accordance with Canons 1167 and 1168 of the Pio Benedictine Code of Canon Law of 1917 which have been incorporated into the present jurisprudence of the Holy See through the provisions of Canon 2 of the present code.) In the case of St. Michael Church, this mass must be celebrated on the patron feast day of the saint to whom the church is dedicated and the anniversary of its dedication, in this case September 29.

The St. Michael Society also wishes to take full responsibility, including financial responsibility, for maintaining St. Michael Church as a Roman Catholic sacred space, not relegated to profane but not sordid use, in order that its sacred art and architecture can serve as tools for evangelization. An examination of the history of sacred art and architecture shows that throughout the course of history, the church has sought to raise the hearts and minds of the faithful toward God by kindling within them a desire to contemplate him and the teachings of our Catholic faith more completely. As both a means of teaching the basic precepts of the Catholic faith in ages when the vast majority of the populous was

unable to read and a means of highlighting specific events in the life of our Lord, the Blessed Mother, the apostles and the saints which have been watershed moments in the development of Catholicism, sacred art and architecture have taken on a variety of forms throughout the Catholic world as church history have progressed. St. Michael Church in Rochester is without question one of the most significant churches in Central New York in terms of the sacred art it contains. The interior of the church, especially the imported stained glass windows installed shortly after the church's construction, calls those who come into contact with it to more deeply contemplate the Catholic faith and their relationship with God. Under the care of the St. Michael Society, the sacred art and architecture of St. Michael Church will continue to be present for those residing both near the church and far from it in order that they may grow deeper in their Catholic faith through their exposure to it or consider Catholicism for the first time after visiting the church.

If any of the other structures on the former St. Michael Parish campus (the hall, convent and rectory) are transferred to the St. Michael society along with the church, the society will work with other entities to ensure they are both able to contribute positively to the neighborhood which surrounds them and if possible also generate income for the ongoing care of St. Michael Church. Numerous organizations exist within the neighborhood surrounding the former St. Michael Parish campus which provide various services to those in need in this section of the city. We are aware that a number of these organizations could benefit from the utilization of space in the former St. Michael Parish rectory, convent and hall; some of these organizations already make use of these spaces. If these structures pass to the St. Michael Society, we would identify those organizations which would both be best able to utilize space in these ancillary structures and who also have the capacity to most optimally do so. The plan of the society for the church's care (enclosed along with this letter) does not rely upon income generated by the utilization of the ancillary buildings located on the former St. Michael Parish campus; if such income however materializes it will be an added blessing.

As part of the transfer of the property to the St. Michael Society, a reversionary clause would be included in the recording of the deed at the time such a transfer takes place. A reversionary clause would allow the property to revert back to the Diocese of Rochester or one of its parishes in the event that the society failed to fulfill its canonical obligations with regard to the care and maintenance of St. Michael Church and any other property associated with the former St. Michael Parish complex in the society's possession, thus precluding the society from selling this property on the open market. The inclusion of such a clause in the property deed will make it impossible for the society to profit in any way at any time from property conveyed to it and provide an extra layer of protection for the sacred character of St. Michael Church. It will also give the Diocese of Rochester added assurance that the society will adhere to the requirements of canon law, the jurisprudence of the Holy See and particular law of the Diocese of Rochester in its utilization of St. Michael Church and any other property which is conveyed to it.

We are not the first group of lay Catholics seeking to take responsibility for a former parish church in a non-relegated state through the path we have outlined above. Among the instances when this approach was taken to guarantee the sacred future of a former Catholic parish church is its utilization by the Diocese of Joliet Illinois under circumstances similar to those faced by St. Frances Xavier Cabrini Parish and St. Michael Church. The Diocese of Joliet implemented a plan exactly mirroring the one we have proposed above in order to solve the question of the future of St. Rose of Lima Church in Kankakee IL. In 2017, the Diocese of Joliet merged three parishes in the city of Kankakee, St. Martin of Tours, St.

Rose of Lima and St. Theresa to create a new parish, that of St. John Paul II. The new parish determined that it only needed to utilize two of the three former parish campuses to carry out its ministry, and thus discussions were begun as to what to do with the largest of the three former parish campuses, that of the former St. Rose of Lima Parish, which it did not wish to retain.

Many Catholics in Kankakee and points surrounding the city were deeply committed to ensuring that St. Rose of Lima Church remained a Roman Catholic sacred space, available for some level of Catholic worship. In order to free St. John Paul II Parish from the responsibility of maintaining and utilizing St. Rose of Lima Church and the former St. Rose of Lima Parish campus, Bishop Robert Daniel Conlon offered those who wished to take logistical and financial responsibility for guaranteeing the future of St. Rose of Lima Church as a Roman Catholic sacred space (in this case as a “chapel,”) the opportunity to form an Illinois nonprofit corporation which could then be designated as a private association of the Christian faithful. The offer he made in writing to the Catholic faithful of Kankakee to come forward to form such an association is included with the documentation accompanying this letter. Those wishing to take on the care of the church stepped forward and the association was canonically erected. St. Rose of Lima Church and its property (rectory and parking lot) were deeded over to the “Association for the Preservation of St. Rose of Lima Chapel” at no cost to the association, in order that it could assume ownership of and responsibility for them. St. Rose of Lima Church was not relegated to profane but not sordid use as it continues to exist as a Roman Catholic sacred space, canonically having been designated as a “chapel.” The church continues to exist as a site for private prayer, Eucharistic adoration and the occasional celebration of mass, at such times as the Diocese of Joliet permits its celebration. The association’s website can be found at this link. <http://strosechapel.com/>

In seeking to take ownership of St. Michael Church and its associated grounds from St. Frances Xavier Cabrini Parish and complete responsibility for their continued care, the society is responding to what has on several occasions been a stated desire of the parish and Diocese of Rochester, that the parish and diocese be freed permanently from the responsibility of caring for and maintaining the church. While under this proposal St. Michael Church would no longer host a regular schedule of masses, the main objective of those who seek to save it, i.e. that it be retained as a Roman Catholic sacred space, available for private worship (private prayer, the recitation of the rosary, etc.) and occasional “public worship” (a yearly mass and such other masses as the diocese and parish would permit to be celebrated within the church would be achieved). It is not our goal to turn St. Michael Church into a museum. We wish through ensuring its perpetual existence as a Roman Catholic sacred space to allow St. Michael Church to undertake a ministry of presence in the section of Rochester in which it exists, namely illustrating to those resident around it that the good, the sacred and the beautiful endure in spite of all of the misery and privation which may be present in their lives. We wish to give the opportunity to all who come into contact with St. Michael Church to reconnect with the Catholic faith or to consider it for the first time through their contemplation of the church’s sacred art and architecture.

In the event Bishop Matano that the above proposal is not one you wish to entertain, we ask that you enter into a long-term lease with our society (10 years as an initial term) for nominal cost (\$1 per year) for St. Michael Church and such other portions of the campus which surrounds it which you would be willing to entrust to the care of the Society of St. Michael. The society would then assume responsibility for the continued maintenance of the church and other structures, freeing St. Frances Xavier Cabrini Parish and the Diocese of Rochester from being responsible for their care. If ancillary structures were to pass to the responsibility of the society along with St. Michael Church, we would seek to reach an

agreement with the diocese that allows for their utilization in the same manner we outlined above that we would wish to make use of them if we owned them outright. The main difference between these plans is that under the second proposal ownership of St. Michael Church and any ancillary structures which were entrusted to the St. Michael Society's care would not change. We have enclosed a draft lease and a draft "memorandum of agreement" with this letter to illustrate how this arrangement would work in practice.

This path has likewise been taken by bishops when Catholics have stepped forward to voice a willingness to take responsibility for the care and continued upkeep of a former parish church, often no longer required by a new parish following a merger of several parishes. An example of this path being followed can be found in the actions taken by Bishop Edgar M. da Cunha of the Diocese of Fall River MA with regard to the Church of St. Anne in that city. When it was determined that St. Anne Church could no longer serve as the seat of a parish in Fall River, much discussion was had as to what would be done with the structure. St. Anne is an iconic church, towering above the skyline of the city of Fall River. It has served as the home of a shrine to St. Anne for the entirety of its century and a quarter of existence. Neither the Diocese of Fall River nor the cathedral Parish of St. Mary of the Assumption in Fall River into which St. Anne Parish was merged had the funds necessary to cover the costs associated with the upkeep of St. Anne Church, let alone the funds necessary to undertake the multi-million dollar restoration the church required. Bishop da Cunha chose to entrust the care of and restoration of the church to a nonprofit entity established by Catholics determined to ensure that St. Anne Church would remain a Roman Catholic sacred space, even if it could no longer serve as a parish church or the site of regular mass. The St. Anne Shrine Preservation Society entered into a lease with the Diocese of Fall River that led to its assumption of responsibility for all of the costs associated with the church's continued care and restoration. When the restoration is finished, the restored upper church will serve alongside the present basement shrine as a shrine to St. Anne. An article on what transpired in this case can be found at this link. <https://www.heraldnews.com/news/20190702/loved-st-annes-shrine-in-fall-river-to-reopen-july-4>

The cases of St. Rose and St. Anne are far from the only former parish churches whose care, and at times ownership, has been transferred to Catholics determined to maintain them as Roman Catholic sacred spaces at their own expense. This is in order that the parishes and dioceses within whose boundaries they lie can be freed from the cost of their care and their relegation to profane but not sordid use may be avoided. We discovered that as far back as the late 1960s and early 1970s, agreements were being made between church leaders and Catholic parishioners who wished to avoid the loss of churches which could no longer serve as the seats of parishes, in most cases at that time due to rural depopulation in our nation's heartland. It seems that in the decades prior to it being canonically valid to close a church for a reason other than its complete destruction, churches no longer regularly used in the U.S. were often either abandoned or intentionally destroyed, thus bringing about their permanent closure in what was likely an extra-canonical manner (both of the aforementioned practices seem to be explicitly forbidden by the Congregation for the Clergy's 2013 guidelines.)

We discovered that between 1965 and 2012, over 60 agreements had been concluded between diocesan/archdiocesan leaders in the U.S., Canada and Australia and groups of lay Catholics which allowed former Catholic parish churches to remain Roman Catholic sacred spaces. We are also aware that 17 additional agreements of this type have been concluded since 2012, leading to over 80 former parish churches continuing to exist as Roman Catholic sacred spaces. These compromises gave everyone

apportionment of what they wished to achieve. Under these agreements diocesan and archdiocesan leaders were freed from the burden of being responsible for churches built to serve parishes which had been eliminated for one reason or another, and those Catholics who voiced displeasure at their potential loss were given the opportunity to maintain the churches as Roman Catholic sacred spaces, provided they accepted that they would no longer be parish churches. They would serve primarily as sites for private prayer and the recitation of the rosary and that they would only have mass celebrated within them occasionally, and that all expenses associated with the continued existence of the churches would be borne by the Catholics who wished to maintain them. It was clear to us in conducting this research that these agreements also led to the avoidance or resolution of conflict between church leaders and the faithful over the future of these churches. Too often disputes surrounding the closure of a church can grow extremely acrimonious; this did not happen in the cases where these agreements were reached.

We pray your Excellency will be willing to work with us to implement one of the above described plans for the future of St. Michael Church. We have such funds as are necessary presently to assume the responsibility for the care and upkeep of St. Michael Church and we intend to begin raising additional money for this purpose from sources which will not divert donations away from St. Frances Xavier Cabrini Parish or other parishes of the Diocese of Rochester. The fact that we are in a position presently to relieve St. Frances Xavier Cabrini Parish of the responsibility of maintaining St. Michael Church and keeping it in a state of good repair precludes the relegation of the church to profane but not sordid use. We are aware that if a decree relegating St. Michael Church to profane but not sordid use were to be issued, "interested parties" for the purposes of canon law would have 10 "useful days" ("useful time" being calculated in accordance with canon 201 of the Code of Canon Law of 1983) to lodge a "petition for hierarchical recourse" with you against the decree. During the time when such a petition for hierarchical recourse is pending, either with you, the Congregation for the Clergy of the Holy See or the Supreme Tribunal of the Apostolic Signatura, we are aware that the juridic person which owns a church whose relegation to profane but not sordid use is under appeal is required to bear the costs associated with keeping it in a state of good repair so that it is ready to resume its sacred functions if it should be the case that the decree is overturned. We are also aware that during the time a petition for hierarchical recourse is pending (they usually take a minimum of two years to be finally decided,) no sale of a church whose relegation to profane but not sordid use is under appeal may proceed. We pray that no interested party will have to contemplate canonical litigation in this matter, and that the future of St. Michael Church can proceed along one of the paths laid out above.

Bishop Matano, we cannot begin to imagine how much weight is placed on your shoulders by the challenges facing St. Frances Xavier Cabrini Parish and other parishes within the Diocese of Rochester. Doubtless the condition of St. Frances Xavier Cabrini Parish has also placed a heavy strain on Frs. McGrath and Werth as they navigate these challenging conditions which have been made even more precarious by the COVID 19 pandemic. In writing this letter and sending these plans and the documents which would be required to execute them to you, we hope we are able to contribute toward the alleviation of some of the burden being presently born by St. Frances Cabrini Parish by freeing it from the responsibility of caring for St. Michael Church if one of the plans we have laid out above is adopted. Entrusting the care of St. Michael Church to the St. Michael Society will not only allow St. Frances Xavier Cabrini Parish to focus more fully on its canonical mission of ministering to those living within its boundaries, it will allow a group of Catholics who wish to take it upon themselves to guarantee the existence of a sacred church to illustrate to the neighborhood surrounding St. Michael Church that the

good and the beautiful and the light of the Catholic faith itself continue to exist even in the midst of the bleakest of conditions.

As we write this letter, we think of Rome, the “eternal city.” At one time capital of the known world and for nearly two millennia the seat of the Catholic Church, an examination of the history of the city illustrates that in spite of its glorious ancient past and substantial present status as the national capital of modern Italy, Rome has hardly been a continuous beacon of urban stability. As recently as the sixteenth century the population of Rome had declined to several tens of thousands of people, living amidst the literally overgrown ruins of a completely decimated city. Thankfully the fortunes of Rome improved and many of the historic churches and other structures located throughout the city which had fallen into ruin were able to be restored, but such was never assured. Centers of commerce in many ancient places have completely vanished from the earth. While an exploration of those factors which led to the regeneration of Rome lies far beyond the scope of this letter, one has to assume that one force which contributed to the rejuvenation of the city was a determination on the part of those who remained in the city and the Catholic Church itself that in spite of its difficulties, Rome’s best days were not completely behind it. While many grand churches built in Rome have been lost throughout history to war and deterioration, countless examples exist of various groups and individuals taking on the care and restoration of one or another of the city’s churches, in order that God’s glory could be even more fully displayed through the presence of a restored historic church as part of Rome’s built tapestry. Beyond Rome, St. Francis of Assisi himself began his ministry through the restoration of the Church of San Damiano. The sacred art and architecture of Catholic churches has been inspiring the faithful for as long as churches have been built, and the faithful have throughout history taken it upon themselves as a means of more fully serving God to undertake the care and restoration of churches which have fallen into difficult circumstances.

In the same way that churches in Rome and the neighborhoods surrounding them arose from their ruined states, we wish to take on the care and maintenance of St. Michael Church in Rochester. We pray that in so doing we may contribute to the revitalization of the neighborhood surrounding the church. Canon law gives us the right to undertake at our own expense, in communion with the Catholic Church both locally and universally, the care and restoration of churches which otherwise would face permanent closure. We wish to use this letter as a starting point to initiate discussions with the Diocese of Rochester to facilitate an agreement which will allow the future of St. Michael Church as a Roman Catholic sacred space to be guaranteed and give St. Frances Xavier Cabrini Parish the benefit of no longer having to be concerned with the care and upkeep of St. Michael Church. We would make note of the fact that the final section of the Congregation for the Clergy’s guidelines of 2013 makes clear that it is always the case that a church no longer needed by the juridic person which owns it is to be transferred to the care of an entity which will continue to maintain it for some level of Catholic worship, without being relegated to profane but not sordid use, if such an entity exists. A church is only to be relegated to profane but not sordid use and transferred to an entity which would make use of it for a non-Catholic sacred purpose once it is conclusively determined that no entity is present which would take on the care and maintenance of the church as a Roman Catholic sacred space.

By taking custody of St. Michael Church in order that it can remain a Roman Catholic sacred space, thus avoiding the need for the church to be relegated to profane but not sordid use, not only will the St. Michael Society be ensuring that one of the most prominent tangible beacons of the Catholic faith continues to shine brightly in Rochester, we will be ensuring that the church continues to exist for the

benefit of all Catholics resident within the neighborhood where it is located and the city of Rochester more broadly as well as those who live far from it. St. Michael Church will continue under the society's care to be available for such activities as St. Frances Xavier Cabrini Parish and the Diocese of Rochester may wish to host within it. Over the last 130 years, St. Michael Church has inspired countless individuals who have entered its interior to more completely live their Catholic faith; we pray that under the care of the St. Michael Society it will be able to continue to do so for many years to come.

Sincerely,

saintmichaelsocietyroc@gmail.com

C.C. Fr. Daniel E. White, Priest Secretary to Bishop Matano, Very Reverend Paul J. Tomasso, Vicar General, Diocese of Rochester, Fr. Daniel J. Condon, JCL, Chancellor, Diocese of Rochester, Fr. Louis A. Sirianni, JCL, Judicial Vicar, Diocese of Rochester, Fr. William "Mickey" McGrath, Pastor, St. Frances Xavier Cabrini Parish, Rochester, Fr. Robert T. "Bob" Werth, Parochial Vicar, St. Frances Xavier Cabrini Parish, Rochester, Mr. Jordan Rapp, Chairman, Strategic Planning Committee, St. Frances Xavier Cabrini Parish, Rochester