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September 6, 2019

Petition for Hierarchical Recourse against the decree issued to relegate Our Lady of the Holy Rosary Church to Profane but not Sordid Use

Dear Archbishop Etienne,

In accordance with the provisions of Canon 1734, Section 2, I and the others who have signed this letter are writing to inform you that we are formally bringing a petition for hierarchical recourse against the decree issued by your predecessor in office, Archbishop James Peter Sartain to relegate the Church of Our Lady of the Holy Rosary in the city of Tacoma to profane but not sordid use and which further orders its demolition. Each of those bringing this petition for hierarchical recourse against your decree does so as an individual and as a parishioner of Our Lady of the Holy Rosary Parish, for which Our Lady of the Holy Rosary Church serves as the parochial church. Thus, each of the signatories to this petition for hierarchical recourse has standing to bring this appeal. Each of those signing this petition for hierarchical recourse does so as an individual Catholic parishioner of Our Lady of the Holy Rosary Parish and not as a member or officer of any group or organization of any type. This petition for hierarchical recourse is being personally delivered to the offices of the Archdiocese of Seattle prior to September 9, 2019, the date specified in the decree as the last such day during which a petition for hierarchical recourse against this decree can be brought.

While many points are made in this decree, it seems to be the case that the sole cause of sufficient gravity upon which it is based is the contention that there is no funding available from any source which would permit the Church of Our Lady of the Holy Rosary to be restored and maintained as a Roman Catholic place of worship. This petition for hierarchical recourse argues above all other things that it is in fact not the case that "all viable alternative options" that would have permitted the Church of Our Lady of the Holy Rosary to not only remain standing but also to serve as a Roman Catholic place of worship were in fact explored prior to this decree's promulgation, thus removing the cited cause of sufficient gravity which is being used to justify the church's relegation to profane but not sordid use. Throughout this decree reference is continually made to the condition of Our Lady of the Holy Rosary "Parish," and its inability to fund the restoration of Our Lady of the Holy Rosary "Church" and to continue to maintain the church in the future. In spite of it being stated within the decree that all other potential sources of funding which would make the restoration and maintenance of the church possible have been explored, the only other reference to a potential source of funding for the church's restoration and care aside from the funds of Our Lady of the Holy Rosary Parish is to unspecified "grants." The lack of acknowledgement of the alternative plan presented to Our Lady of the Holy Rosary Parish leaders and to the Archdiocese of Seattle which would allow for the church to be restored and remain a Roman Catholic place of worship, regardless of the eventual fate of Our Lady of the Holy Rosary Parish, shows that not all other alternatives to closure have truly been explored.

It is without question the case that Our Lady of the Holy Rosary Church is one of the most beautiful structures in the city of Tacoma and within the Archdiocese of Seattle as a whole. Erected by descendants of the early German Catholic settlers of Tacoma in 1920, the church was built in such a way as to illustrate not only their concrete belief in God, but also to serve by virtue of its location as a literal beacon of the Catholic faith to all who might pass by and look upon it. This beacon of the faith, like so many churches constructed with the intent that the beauty of their sacred art and architecture might draw souls more deeply to Christ and even draw individuals to the faith who might have had no other contact with Catholicism, has done just that. We are aware of individuals who have stated that their initial experience with the sacred art and architecture of both the interior and exterior of the Church of Our Lady of the Holy Rosary caused them to begin the RCIA process. Their interaction with this beautiful church proved to be the spark which led them to embrace the fullness of the Catholic faith. It is an objective fact that not all churches are built in the same way that the Church of Our Lady of the Holy Rosary has been constructed. It is thus all the more profoundly disturbing to those of us bringing this petition for hierarchical recourse to you, your Excellency, that this beacon of the faith in Tacoma may be wiped from the face of the earth, eliminating one of the best tools of evangelization available in this part of the archdiocese to bring souls to the faith in an era when evangelization is more necessary than ever.

Those bringing this petition for hierarchical recourse argue that a viable plan for the restoration and retention of the Church of Our Lady of the Holy Rosary as a Roman Catholic sacred space, based on similar plans which have proven to be successful in many dozens of similar cases exists, and that it has not yet been considered by the leadership of the Parish of Our Lady of the Holy Rosary or the Archdiocese of Seattle. It is further argued by those of us bringing this petition for hierarchical recourse that if this plan were allowed to proceed, it would eliminate the cause of sufficient gravity being cited as justification for the relegation of the Church of Our Lady of the Holy Rosary to profane but not sordid use, thereby making its demolition both unnecessary and impossible and allowing the church to remain as a Roman Catholic sacred space, in accordance with the canonical definition of a church building contained in Canon 1214 of the Code of Canon Law of 1983.

Prior to drafting this petition for hierarchical recourse, those bringing it became familiar with a set of guidelines promulgated by the Congregation for the Clergy of the Holy See, the dicastery (department) which among other things is responsible for hearing appeals of decisions to relegate church buildings to profane but not sordid use when they are first made to the Holy See. These guidelines are divided into three sections; addressing the closure of parishes, the relegation of churches to profane but not sordid use, and the sale of current and former church buildings. It is to sections two and three of this document which we make reference in this petition for hierarchical recourse; we enclose a copy of this document with this appeal. In Part G of section 2 of these guidelines (the section concerning the relegation of church buildings to profane but not sordid use,) paragraph G makes note of the fact that when a church is being relegated to profane but not sordid use on account of the financial condition of the juridic person which owns it (a parish or another juridic person,) all other sources of possible funding which would allow the church to continue to exist as a Roman Catholic place of even occasional worship must be found lacking or inadequate. We suspect your Excellency that Archbishop Sartain or the canonist which prepared this decree for him was likely aware of this language at the time both of the decree's construction and in the months prior to the decision to close and demolish Our Lady of the Holy Rosary Church being made. Being aware of this requirement however is not the same as properly observing it.

Those bringing this petition for hierarchical recourse against the above mentioned decree point out that the decree is entirely predicated upon the premise that Our Lady of the Holy Rosary Parish is the sole entity which would or could undertake the restoration of Our Lady of the Holy Rosary Catholic Church in order that it can remain a Roman Catholic place of worship. This becomes evident when one reads of the various assessments which were mentioned in the decree as having been conducted upon the Church of Our Lady of the Holy Rosary, and more broadly the property upon which Our Lady of the Holy Rosary Church sits and of the parish itself. Reference is made within the decree to the number of households presently enrolled as members of Our Lady of the Holy Rosary Parish, the operating loss the parish is said to have run over the past five years, the fact that a major parish benefactor has died, and a general statement that the parish community is not able to afford the continued maintenance of the church. Other statistics which pertain to Our Lady of the Holy Rosary Parish are also referenced in the portion of the decree which addresses the "pastoral planning assessment." So too is it the case that the "fundraising and grants assessment" deals almost exclusively with the amount of money which could be expected to be raised from Our Lady of the Holy Rosary "Parish," the only other possible source of funds referenced being unspecified "grants" which were not shown to amount to a large sum. At no point in this decree are alternative sources of funding which exist and which could if given the opportunity to do so allow for the Church of Our Lady of the Holy Rosary to be restored and retained as a Roman Catholic sacred space mentioned. Thus, those bringing this petition for hierarchical recourse are forced to conclude based on the lack of reference to alternative sources of funding and the actions which took place prior to this decree's promulgation that they were in fact not fully considered.

While it is true that Our Lady of the Holy Rosary "Church" was constructed in 1920 to serve as the seat of Our Lady of the Holy Rosary "Parish," it is also true that service as a parochial church is not the only purpose for which a church can exist. It is the case that throughout the history of the Roman Catholic Church, individual churches have at points in their history had the purpose for which they existed altered based upon various factors. A church built to serve as a parish church could at some point later be designated as a shrine, a chapel, or an oratory. Similarly, a church built to serve as a shrine church, a chapel or an oratory could see its designation changed to that of a parish church were it to be the case that circumstances in the area in which the church might be located would necessitate its utilization for this purpose. One need only look at those churches existent in Rome, a city which those bringing this petition for hierarchical recourse understand your Excellency undertook your theological studies in as a seminarian to find numerous cases of churches assuming a canonically valid purpose other than that for which they were constructed at some point during their history. Just as it is the case that the churches of the eternal city have at times seen their canonical designations change, so too is it the case that numerous other churches throughout the world have likewise continued to exist as Roman Catholic sacred spaces with different canonical designations from that which they held on the day of their dedication.

Those bringing this petition for hierarchical recourse to your Excellency would note that our research indicates that over eighty former parish churches located throughout the United States, in Canada and also in Australia are presently being cared for by groups of Catholics who have formed to raise the funds necessary to provide for their repair and continued maintenance independent of the dioceses/archdioceses and parishes in which they are located. Born of a recognition by all parties involved that the churches in question could no longer serve as parish churches for various reasons, parish and diocesan leaders embraced the opportunity to work with those Catholics who were prepared to expend such time and energy as would be necessary to make it possible for their former parish

churches to remain Roman Catholic Sacred spaces, available for such purposes as private prayer, the recitation of the rosary and the occasional celebration of the mass. The diocesan and archdiocesan ordinaries who entered into these agreements recognized the fact that churches are sacred spaces and understood the faith would benefit from the presence of former Roman Catholic parish churches which none the less retained their status as Roman Catholic sacred spaces. They also understood that canon law requires that any viable plan which would permit a Roman Catholic church to remain a sacred space must be implemented, as the Congregation for the Clergy reaffirmed in its guidelines of 2013 that churches must retain their sacred character "if at all possible."

In addition to the groups noted above, it is also the case that if one travels down the Pacific coast some distance south of Seattle into California, they will come upon a chain of very historic churches known as the California Missions. These churches, originally outposts of the Franciscan religious order have not only undergone many changes in canonical status since the days of their construction, in many cases today groups of lay Catholics help to ensure their continued existence. Owing to the near constant need for funds to be raised in order to repair and restore these historic churches, the religious leaders who oversee them have been very happy to embrace the willingness of Catholics from California and points far beyond it to organize nonprofit groups whose purpose is to raise from beyond the local area and Catholic community such funds as are necessary to ensure that the missions, churches which were nearly all de facto relegated to profane but not sordid use by virtue of their expropriation by civil authorities for non-Catholic sacred uses, remain in as well preserved of a state as possible, to ensure that their sacred character is not lost again. Nearly all of the California Missions remain Roman Catholic sacred spaces, in spite of earthquakes and other disasters, both natural and manmade which might have erased them from the map, in large part due to donations received toward their care and upkeep that come from far beyond the areas in which they are located. Some doubtless asked at the time the missions were returned to Catholic authorities in varying states of disrepair what the point of expending money on their restoration was. Others likely asked the same question regarding individual missions over the years, as they faced challenges ranging from crumbling adobe walls to the challenges of seismic retrofitting, the latter challenge being one which faces Our Lady of the Holy Rosary Church in Tacoma at present. A multitude of arguments could have been made that the funds spent on the care and restoration of the California Missions might have been better spent on any number of purposes. The fact remains however that sacred space, in spite of its inability to address a specific material need a disadvantaged person might face, is crucial to the world and the growth and stability of the faith. Jesus himself did not rebuke Mary for anointing his feet with perfume, perfume which could of course have been sold as many argued for some other purpose.

Those bringing this petition for hierarchical recourse to your Excellency are aware that just as other Catholics have stepped forward to care for former parish churches and the California Missions, so too is a group of the faithful prepared at present to step forward and ensure that the Church of Our Lady of the Rosary is restored as a Roman Catholic sacred space and that it remains one in perpetuity. "This appeal is not being brought on behalf of "Save Tacoma's Landmark Church." Those bringing this petition for hierarchical recourse however are aware of the group's efforts, and we are also aware that they have not been fully considered by anyone who has been involved in determining whether an alternative to the relegation to profane but not sordid use and demolition of the Church of Our Lady of the Rosary existed.

Just as in the other cases referenced above, those bringing this petition for hierarchical recourse are aware that Save Tacoma's Landmark Church is committed to raising the funds necessary to restore Our

Lady of the Holy Rosary Church as a Roman Catholic sacred space, in order that it can remain a place of Catholic worship. We are aware that as lay Catholics who have established a validly constituted nonprofit entity they have the right to raise funds. As Catholics, in keeping with the jurisprudence of the Holy See, they are also endowed with the right should they wish to exercise it to use their own funds to repair and maintain the Church of Our Lady of the Holy Rosary as a Roman Catholic sacred space. Such is made clear by the fact that it is only possible to validly relegate a church to profane but not sordid use under canon law if it can be proven that no funds from any source are available to restore and maintain it as a Roman Catholic place of worship.

Those bringing this petition for hierarchical recourse are aware that leaders of Save Tacoma's Landmark Church have reached out on numerous occasions to leaders of Our Lady of the Holy Rosary Parish and the Archdiocese of Seattle to discuss their willingness and ability to undertake the work necessary to restore Our Lady of the Holy Rosary Church. At no time however have they been given the ability to move forward with their plan. Those bringing this petition for hierarchical recourse have been advised that at such times as the leadership of Save Tacoma's Landmark Church have attempted to engage with the leadership of the Parish of Our Lady of the Holy Rosary, the present pastoral administrator of Our Lady of the Holy Rosary Parish, Deacon James Fish, has been unwilling to work with them to move forward toward the implementation of their plan. The arguments which we understand Deacon Fish has made against support of Save Tacoma's Landmark Church's involvement in this process is that it is not appropriate for funds to be spent on the repair of a church building when the Parish of Our Lady of the Holy Rosary is in such a precarious position, that the goals of Save Tacoma's Landmark Church conflict with those of the archdiocese, and that a church is not a building but the people of God. We would note Archbishop Etienne that none of these arguments justify unwillingness or disinterest on the part of any parish or archdiocesan leader to work with any group including Save Tacoma's Landmark Church toward the restoration of Our Lady of the Holy Rosary Church as a Roman Catholic place of worship.

Under a plan drafted by Save Tacoma's Landmark Church, the group would oversee the raising of such funds as are necessary to repair Our Lady of the Holy Rosary Church sufficiently to allow it to be reopened to the public as a place of Roman Catholic worship. The group would do this by gaining the financial support of both Catholics and non-Catholics throughout the city of Tacoma, this portion of Washington State and points far beyond who are committed to ensuring that the church remains a Roman Catholic place of at the very least occasional worship, in order that it may continue to stand as a beacon of the Catholic faith. This effort would reach far beyond the population of present registered parishioners of Our Lady of the Holy Rosary Parish, and thus be able to raise vastly more in the way of funds than was projected by the consultants who analyzed how much money could potentially be raised from present registered parishioners. It is the confinement of potential fundraising to presently registered parishioners which led to the conclusion in the decree this petition for hierarchical recourse is being brought against that insufficient funds could be raised to restore the church. As has been discussed above, groups throughout the United States and the world have been raising funds for decades not to facilitate the conversion of Roman Catholic churches for other uses, but to ensure that they are restored and retained as Roman Catholic sacred spaces for at the very least occasional worship.

Those bringing this petition for hierarchical recourse have been advised that Save Tacoma's Landmark Church is prepared to undertake such efforts as are necessary to restore Our Lady of the Holy Rosary Church regardless of whether it serves as the seat of Our Lady of the Holy Rosary Parish or not. Please

find enclosed with this appeal a copy of a plan drafted by Save Tacoma's Landmark Church in which the group explains in detail how it would go about restoring Our Lady of the Holy Rosary Church, and that if it is the case that the church is no longer able to serve as the seat of a parish, it could be designated as a Roman Catholic shrine, chapel or oratory and remain a canonically valid Roman Catholic sacred space, under the care of a group dedicated to its maintenance and entrusted with ensuring that the church would continue to serve as a space for such activities as private Roman Catholic prayer, the recitation of the rosary, and such masses and other liturgical activities as your Excellency might deem it appropriate for the church to host. In this way, the Church of the Holy Rosary could remain a powerful symbol of the Roman Catholic faith in Tacoma and ensure that it will be present to draw souls closer to God just as it has done for the past 99 years.

We would make note of the fact that in cases similar to that of Our Lady of the Holy Rosary Church, diocesan and archdiocesan ordinaries who have been willing to work with Catholics committed to restoring Roman Catholic churches in order that they could be retained as Roman Catholic sacred spaces have facilitated what might once have been the unthinkable rebirth of what by all appearances was a dead and decaying former parish church destined without question for demolition. In the late 1970s, St. Joseph's Church in the city of St. Louis MO was in an advanced state of decay, with birds flying freely through the broken stained glass windows which lined the nave and tons of bird droppings clogging its historic organ. The final pastor of St. Joseph Parish had been murdered in the parish rectory by individuals intent on committing a robbery and leaving no witnesses. By any measure, the neighborhood around St. Joseph's Church was unsafe, and it was not surprising that the Archdiocese of St. Louis had determined that St. Joseph's Church should be demolished and replaced with a parking lot.

Catholic residents of St. Louis, some of them descended from the Germans who built St. Joseph's Church however did not want to see the church meet this fate. Forming a nonprofit organization called the "Shrine of St. Joseph's Friends," these Catholics approached the Archbishop of St. Louis and asked for the chance to attempt to raise all of the funds necessary on their own to restore the church to the glory it enjoyed following its dedication in the late 1840s. Archbishop May gave the group permission to do this in 1980, and after a number of years and incredibly hard work, the Church of St. Joseph was restored and designated as a Shrine to St. Joseph which continues to stand in St. Louis today. We enclose a copy of the story of the Shrine of St. Joseph's restoration with this appeal; we hope it is as inspirational to your Excellency as it is to us. Archbishop May could easily have simply have pushed forward with plans to demolish the church, dismissing proposals to restore it and retain it as a Roman Catholic sacred place as nothing more than wishful thinking that could never become reality. Many ordinaries have done just that over the years. He saw though the benefits of giving those who wanted to save the Church of St. Joseph as a Roman Catholic sacred space the opportunity to do so rather than forcing its demolition, and we think you will agree with us that the continued presence of the Shrine of St. Joseph in St. Louis today, maintained by the Shrine of St. Joseph's Friends at no expense to the Archdiocese of St. Louis, is of great spiritual benefit to that city and the Catholic faithful generally.

The story of the Shrine of St. Joseph in St. Louis is not the only example of a diocesan ordinary giving a group a chance to restore what would seem to be a church degraded beyond any hope of a future. Just this July, the St. Anne Shrine Preservation Society of Fall River MA, a nonprofit group made up of lay Catholics was given a ten year lease by the Bishop of the Diocese of Fall River MA for the Church of St. Anne, with the understanding that like the group in St. Louis, the future of the church would depend on their success. St. Anne Church in Fall River opened in 1906 as the parochial church of St. Anne Parish, the

main French Canadian personal parish in the city. Like Our Lady of the Holy Rosary Church, St. Anne Church is a dominant feature of the skyline in the city of Fall River. The church is extremely large; the upper church seats 2000 people and there is a shrine to St. Anne in the church's basement.

Many other similarities exist between St. Anne Church in Fall River and Our Lady of the Holy Rosary Church in Tacoma. Both churches are presently closed to the general public following chunks of plaster falling from their ceilings on account of water damage (the basement shrine of St. Anne's Church remains open.) Conditions in the neighborhoods surrounding the churches have changed drastically since the time they were built, leaving far fewer Catholics in their immediate vicinity. The total cost of repairs to St. Anne Church is projected to be \$13.5 million, not terribly far from the projected cost for repairs to the Church of St. Anne. None of this however dissuaded those who formed the St. Anne Shrine Preservation Society from stepping forward with an unswerving commitment to take whatever action will be necessary to ensure that St. Anne Church is fully restored and that it serves in the future solely as a shrine to St. Anne, with two masses per year being celebrated in the church. Those who proposed to Bishop Edgar M. da Cunha of Fall River that they be given the opportunity to restore St. Anne Church at their own expense knew that this would not mean it would function as a regular parish any longer. Those who make up Save Tacoma's Landmark Church are similarly aware that if they succeed, this does not automatically mean that Our Lady of the Holy Rosary Parish will return to its previous existence. Like Archbishop May, Bishop da Cunha believed it was worth giving those who stepped forward with a desire to retain St. Anne Church as a Roman Catholic sacred space the opportunity to make this possible, and for that reason he entered into a lease with the St. Anne Shrine Preservation Society in July of this year. Like those in St. Louis, the faithful in Fall River who wish to restore St. Anne Church are eternally grateful that Bishop da Cunha has given them the opportunity to do this.

Archbishop Etienne, we are aware that you are faced with a very serious set of issues. You are faced with Holy Rosary Parish, a parish which by any metric is in a difficult position at present. You are faced with a church with an enormous projected repair bill. Those bringing this petition for hierarchical recourse to you however ask you to follow the lead of Archbishop May and Bishop da Cunha, and rather than proceed with the relegation of the church to profane but not sordid use at this time and order its demolition, give Save Tacoma's Landmark Church the opportunity to restore the Church of Our Lady of the Holy Rosary in order that it can be maintained as a Roman Catholic sacred space, either as the seat of Our Lady of the Holy Rosary Parish following its restoration or as a shrine, chapel or oratory which by virtue of its canonical designation would still serve as a sacred space for the Roman Catholics of this region and in points far beyond it. In Archbishop Sartain's decree, he states the church is a "visible icon of the Catholic faith." We couldn't agree more with him. It stands as an enduring testament to the faith of the German Catholics who built it, as a standing invitation to all who see it to enter and consider what it has to say to them about the Catholic faith. The rejection of a plan which has proven successful at restoring Roman Catholic Churches facing challenges extremely similar to those faced by the Church of the Holy Rosary in favor of the church's demolition will leave deep and completely avoidable wounds in the Tacoma area, not only in the hearts and minds of the Catholics resident there but also in the hearts and minds of anyone who was in any way moved by this church.

Those bringing this petition for hierarchical recourse are convinced that the competent professionals which Save Tacoma's Landmark Church has engaged to help it plan for the church's restoration as a Roman Catholic sacred space will be successful in making this plan a reality if given the chance to do so by your Excellency. We understand that one of those who is donating their time pro bono to Save

Tacoma's Landmark Church is the gentleman who worked with the St. Anne Shrine Preservation Society of Fall River MA to develop the plan which Bishop da Cunha gave them the opportunity to implement in July of this year. We would ask you your Excellency to meet with us to discuss the points we have raised in this petition for hierarchical recourse; if you wish leaders of Save Tacoma's Landmark Church could also attend this meeting. If your Excellency would rather designate a representative to meet with us, we would also be grateful for that opportunity. We remain convinced based on the focus of Archbishop Sartain's decree nearly entirely upon the capabilities of Our Lady of the Holy Rosary Parish as they relate to the restoration of the Church of Our Lady of the Holy Rosary, the fact that we have been advised that the plan of Save Tacoma's Landmark Church has not been reviewed by either parish or archdiocesan leadership and the opposition which we understand existed on the part of the leadership of Our Lady of the Holy Rosary Parish toward the involvement of Save Tacoma's Landmark Church in work to avert the closure of Our Lady of the Holy Rosary Church that not all alternatives to the church's relegation to profane but not sordid use and demolition were considered. We are advised that Save Tacoma's Landmark Church has received nearly \$300,000 in pledges since the decree was issued with minimal effort being expended to gain them and that a number of contractors have already agreed to donate their services, bringing down the overall cost of repairs to the church. We pray Archbishop Etienne that you will realize that with the support of Save Tacoma's Landmark Church and all of those who are stepping forward to restore the Church of Our Lady of the Holy Rosary in order that it can be maintained as a Roman Catholic sacred space, that no cause of sufficient gravity to justify its relegation to profane but not sordid use in accordance with either section one or section two of Canon 1222 of the Code of Canon Law of 1983, let alone its demolition, is in fact present. We ask you to revoke Archbishop Sartain's decree, and to meet with us in order that we may move forward with the restoration of the Church of Our Lady of the Holy Rosary, so that it can continue to enrich the lives of all through its existence as a Roman Catholic sacred space. We thank you for your consideration of this appeal.

Sincerely,