

## **Parishioners must vacate Scituate church, judge rules**

Since taking up residence nearly 11 years ago in a church slated for closing, a group of parishioners has petitioned courts from Massachusetts to the Vatican and repaired the roof and heating system, all in hopes St. Frances Xavier Cabrini Church would remain open.

But after a string of losses in civil and church courts and repeated pleas from the Roman Catholic Archdiocese of Boston to leave, the parishioners found themselves labeled trespassers by a state judge on Thursday. It was the term they have dreaded since their vigil began.

The ruling from Superior Court Judge Edward P. Leibensperger gives the parishioners until May 29 to vacate the property and leaves open the question of what happens if the parishioners don't go.

But Leibensperger's ruling did not change the battle lines in the standoff, which has outlasted all other church vigils that sprang up after the archdiocese closed some parishes in 2004.

Parishioners vowed Thursday to continue occupying the church, and the archdiocese repeated its plea for them to move on.

"We believe this needs to be appealed," said Jon Rogers, a vigil spokesman. "We made a statement from the very beginning that we would exhaust every appeal possible. . . . This is really just a matter of right versus wrong."

Terrence Donilon, an archdiocesan spokesman, called the court's decision "clear and thoughtful" and asked parishioners to leave.

"We ask the Friends of St. Frances to respect that decision and conclude the vigil," he said in a statement. "The parishes of the archdiocese welcome and invite those involved with the vigil to participate and join in the fullness of parish life."

The 16-page decision by Leibensperger found vigil participants are "unlawfully and intentionally committing a trespass by the continuation of their protest vigil on the premises of the church." The ruling was the product of a lawsuit filed two months ago by the Archdiocese of Boston, which asked a judge to intervene after the highest Vatican court, the Apostolic Signatura, denied the vigil group's appeal to keep the church open.

The archdiocese gave vigil participants until March 9 to leave.

They refused. Leibensperger presided over a daylong trial May 5 in Norfolk Superior Court, with testimony from St. Frances parishioners, a real estate lawyer and title examiner, and employees of the archdiocese's real estate office.

In his ruling, Leibensperger rejected the vigil participants' claim that the dispute is an ecclesiastical issue and that civil courts cannot intervene.

He also dismissed a counterclaim brought by parishioners in which they demanded to be reimbursed more than \$37,000 to cover money they have paid to maintain the parish since the vigil began.

Mary Beth Carmody, a lawyer for the parishioners, said next week she plans to ask Leibensperger to postpone the eviction order until an appeal can be filed and heard.

If Leibensperger denies the request, Carmody said she will ask the appeals court to give the vigil participants more time.

“It’s certainly a very sad day for the Archdiocese of Boston,” she said. “Their victory is no true victory.”

Rogers and his wife, Maryellen, said they need to raise more money to keep up their fight. “We need to have the Archdiocese of Boston stop abusing its parishioners,” Jon Rogers said. “Everybody needs to get involved. This isn’t just about us. It’s about all the churches. We will appeal this, but we need everybody’s help.”

Parishioners claim they are the rightful owners of the property and have no plans to leave. They also say they have another appeal pending under canon law before the Pontifical Council for the Interpretation of Legislative Texts at the Vatican.

The Scituate church is the only one still fighting closure with a vigil, and this is the first time the archdiocese has taken such legal action against a closed parish.

The archdiocese closed dozens of churches more than a decade ago in response to dwindling attendance and shrinking donations following the clergy sex-abuse scandal. The vigil at St. Frances began Oct. 26, 2004.

As news of the judge’s decision spread, parishioners expressed dismay.

Elmer Hartnett, 75, said it was still important to continue the vigil.

“We have to keep the church open,” said Hartnett, a Scituate resident whose four children were baptized at St. Frances. “Someone has to be here. So if you believe in wanting to keep your parish, I guess you just have to make an effort to stay here until a final decision is made.” Retired teacher Patricia McCarthy said she has been a parishioner since the church opened in 1961.

“I figured that God knows what we’re doing and he’ll provide,” she said. McCarthy predicted that real estate developers would build on the property if the vigil participants are forced out.

“When and if they close us down, I wonder if people are going to pray to all the minimansions that are going to be built,” she asked.

McCarthy said her faith is “an integral part of my life” and has sustained her during the long vigil.

“My faith is so strong, and it’s important to me,” she said. “I say, just continue on. I don’t know where we’ll go from here.”

By Laura Crimaldi and Travis Andersen