



Mary's Advocates

2721 Wagar Road ❖ Rocky River, OH 44116 ❖ 330-690-8942

3 December 2018

His Eminence Cardinal Donald Wuerl
Archdiocese of Washington
PO Box 29260
Washington, DC 20017

Your Eminence,

As the bishop of the diocese in which the publisher has its address, I seek from you a judgment on the position published by Prof. Rev. John Beal, at the School of Canon Law at Catholic University of America. In his work, he wrote the following:¹

Although the Church reserves to itself the sole right to judge the validity of the marriages of the baptized, it recognizes the authority of secular courts to deal with the merely civil effects of marital break down. These civil effects include such matters as the distribution of property, child support, spousal support or alimony, custody of minor children, and child support and visitation (*See Attached* p. 90 Justice and Mercy).

With the non-profit organization Mary's Advocates, I work to reduce unilateral no-fault divorce and support those who are unjustly abandoned. It is not acceptable to relegate to the secular courts the power to decide parties' obligations toward each other and their children for those who had a Catholic wedding ceremony. I seek from you a judgement clarifying that the Catholic dioceses in the U.S.A. never relegated to the civil forum absolute power to judge parties' obligations in cases of separation, and nullity.

Save James – Civilly divorce father court-ordered to fund son's castration

According to Rev. Beal, the Catholic faithful should accept the secular courts competence to decide child custody and support and other obligations in marital break-

¹ Beal, John. "Mitis Iudex Canons 1671-1682, 1688-1691: A Commentary." *The Jurist* 75 (2015): 467-538. Catholic University of America Press.

Beal, John "Mitis Iudex Canons 1671-1682, 1688-1691: A Commentary." Justice and Mercy Have Met, Pope Francis and the Reform of the Marriage Nullity Process. Ed. Kurt Martens. Washington DC: Catholic University of America Press, 2017. 87-158

up. A case in Texas illustrates the grave error in that presumption. Jeffrey D. Younger, a divorced father in Texas is being court ordered to pay his *ex-wife* for their 6-year-old son's transgender psychotherapy. An outreach exposing this injustice says, "court is requiring Jeff to pay for transgender therapy and the future sexual mutilation of his son." Furthermore, the "Courts have enjoined Jeff from dressing James as a boy at school, from teaching him that he is a boy, and from sharing religious teachings on sexuality and gender" (<http://savejames.com/>)

Please request that canonists review the records of the consultants who drafted the 1983 Code of Canon Law to verify that the merely civil effects of marriage were never intended to be every aspect of marital obligations excluding only the judgement about validity of the marriage. The drafters of the canon law were interested in protecting an innocent party in an ecclesiastic separation case from being found guilty of a civil crime of abandonment (though this civil consequence does not exist in USA no-fault divorce courts). See attached *Collection of Sources on Separation and Divorce for USCCB*, paragraph 18. It is immoral when the civil no-fault divorce courts fracture the contract to live together made by spouses (CCC 2384).²

Fr. Beal's statement overlooks the particular law in effect in the United States teaching that any party filing in the civil forum incurs grave guilt if party does not have the bishop's permission first (yr. 1886, 3rd Plenary Council Baltimore, Art. 126). Beal overlooks the law specifying that it only belongs to the Church to decide rights and duties derived from marriage (*ibid* Art. 123). These norms repeat what was taught in the Council of Trent in 1563, and the instruction to USA from *Sacred Congregationis de Propaganda Fide* in 1883 (*ibid* Art. 123, 304). Beal overlooks universal law canon 1692.

Sincerely Yours in Christ,

Bai Macfarlane
Director, Mary's Advocates

cc:

Carla Ferrando-Bowling, Director, Office of Family Life, Archdiocese of Washington
The Scott Family, Founders of *Save James*

² CCC 2384 Divorce is a grave offense against the natural law. It claims to break the contract, to which the spouses freely consented, to live with each other till death. ...

His Eminence Cardinal Donald Wuerl
Archdiocese of Washington
PO Box 29260
Washington, DC 20017

Carla Ferrando-Bowling
Office of Family Life, Archdiocese of Washington
PO Box 29260
Washington, DC 20017-0260