



Mary's Advocates

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

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Most Reverend Salvatore J. Cordileone, JCD
Archbishop of San Francisco
One Peter Yorke Way
San Francisco, CA 94109

Your Excellency,

In your role on the USCCB's Committee on Canonical Affairs and Church Governance, would you supplement the information I provided to the Committee for Religious Liberty? On 24 September 2018, I asked them to include unilateral no-fault divorce on the Committee's list of religious liberties issues and sought to introduce them to a religious liberties expert who defends constitutional rights against the states' divorce practices (*letter attached*). From the response I received from Hillary Byrnes (Director of Religious Liberty and Associate General Counsel USCCB), I surmise that she is unfamiliar with Catholic doctrine and church polity relative to cases of separation of spouses (*response attached*).

I bring you some concerns about two USCCB resources to which Hillary Byrnes pointed me: 1) ForYourMarriage.org/Divorce, and 2) catechetical document by Siobhan M. Verbeek, J.C.L., Director of Canonical Affairs, titled "The Church's Healing Ministry in Caring for Those Touched by the Trauma of Separation and Divorce." Enclosed also for your consideration is my *Collection of Sources on Separation and Divorce for USCCB*.

The *ForYourMarriage* page states, "The Church does not recognize a civil divorce because the State cannot dissolve what is indissoluble." However, unless the USCCB makes it clear that the government has no competence to relieve a spouse of his obligation to maintain the common conjugal life, readers will conclude that the USCCB does recognize civil divorce as the legitimate forum to decide the moral, religious, and obligatory effects of all parties who participated in a Catholic marriage ceremony. When parties exchange promises in a Catholic ceremony, more rights and correlating obligations come into existence besides only the right to have one's partner prevented from entering a marriage with someone else. Those obligations should not be decided in accord with no-fault divorce laws.

In Verbeek's document, when referring to the divorced who civilly remarried, she says, "In fidelity to the teaching of Christ and the prescriptions of canon law, the civil union is invalid. Couples in these situations therefore 'find themselves in a situation that objectively contravenes

God's law'" (p. 4). However, in my *Collection of Sources*, it is shown that a party who merely petitions for civil divorce, without first undergoing a canonical ecclesiastic investigation, is also violating the prescriptions of canon law. The civil divorce is illicit, and because marriage affects the public good, neither an individual, a couple, the priests, nor regular diocesan judicial vicars have competence to determine if petitioning for civil divorce can be tolerated.

When discussing programs for separated and divorced, Verbeek describes assistance "supporting parents in fulfilling their natural and ecclesiastical obligations toward their children" (p5). Though, nowhere did Verbeek mention that a parent could have the obligation to cease the separation and provide for an intact home for their children with Mom and Dad together.

When describing divorced or separated persons, the *ForYourMarriage* page refers to those "caught in this situation" and Verbeek refers to "those who suffer from an irremediable marriage situation," and "those touched by the trauma of separation and divorce." These phrases obfuscate the fact that separation or divorce are always the result of one or both spouses reneging on the marriage promises.¹ Situations are remediable if the person who breaks his promises reforms, and clear direction from the Church could be the motive to unite one's family.

Please help the USCCB show who has competence to decide if divorce is tolerable, the distinction between legitimate reasons for separation in contrast to marital abandonment, and the parameters of obligations in accord with divine law for the separated. When aspects of the Catholic marriage are clear, the constitutional restriction against states' impairing on intended obligations of a contract will become clear, and so will courts' violation against religious liberty.

Sincerely Yours in Christ,

Bai Macfarlane
Director, Mary's Advocates

cc:

Bishop Mark Bartchak, JCD, Altoona-Johnstown, Committee Canonical Affairs
Archbishop Joseph Kurtz, Louisville, Committee for Religious Liberty
Bishop Kevin C. Rhoades, Fort Wayne-South Bend, Committee on Doctrine
Ms. Siobhan Verbeek, Director Canonical Affairs
Hillary, E. Byrnes, Director of Religious Liberty and Associated General Counsel

¹ Some exceptions exist: i.e. contagious disease, work travel, or joint permission to take religious vows