

(from) Brian NAME

(to) The Most Rev. BISHOP

XX June 2021

Your Excellency,

Seeking Revocation of xx May 2021 Decree and Transfer to Judicial Venue

1. On xx June 2021, I received your Decree given on xx May 2021 in which you answered my *Petition to Bishop to Pursue Reconciliation or Separation* dated xx April 2021. Pursuant to canon 1734, §§1-2, I seek revocation of your decree and ask that our separation cause be transferred to [...] Contentious Tribunal Venue, wherein I have the right to receive my own copy of the complaint my wife made to the Church justifying her right to separate.
2. My right of defense is violated by your decree because I have had no chance to see the specific accusations made against me, nor the right to defend myself against them. About my wife, you wrote that she contends that I “[...] verbal abuse” of her and our children and made “even threats of bodily harm towards her.” In my xx April 2021 petition, I asked to be informed of any accusations she made against me:

If another ground for separation is proposed for investigation, the Petitioner upholds the right to be informed, in a general way, of any accusations made by the Respondent-spouse against the Petitioner that allegedly justify the Respondent-spouse’s separation (page 1).

I request that our separation case be transferred to the Judicial Contentious process, where the procedures for defending against the other party’s accusations are specified in the Code itself. I request to be properly cited, beginning with receiving my own copy of my wife’s petition to the ecclesiastic authority wherein she must describe “at least in general terms, the facts and evidence to be submitted in support of the allegations made” (c. 1504, 2°).

Seeking Suspension of xx May 2021 Decree

3. Pursuant to canon 1734 §1, I seek suspension of the execution of your decree because it grossly increases the chances of our children forever enduring the deprivation of an intact family home. Your decree highly increases the risk of our family incurring tens of thousands of dollars of unnecessary fees from no-fault divorce civil forum lawyers. Furthermore, efforts to reconcile our marriage will never be pursued by my wife if your decree is in effect.
4. Your decree advised us to approach the civil forum. However, the civil forum has no rightful competence to waive married parties' obligation to maintain the common conjugal life, nor suspend a wife's obligation to contribute her share of mutual help (*mutuum adiutorium*) to an intact marital home, nor forfeit husband right to the everyday upbringing and education of his children. Even the ecclesiastic forum has no rightful competence to suspend obligations nor forfeit rights of spouses without a just cause, but your decree does both. I have had no opportunity to defend myself against any supposed allegations that I am a grave danger or make marital life unduly difficult. There will not be any opportunity in the civil forum to defend myself because any Plaintiff can invoke no-fault processes in the civil forum.
5. Your decree states, "since the separation has already (*de facto*) occurred, the spouses are advised to approach the civil courts in establishing the facts and determining the necessary conclusions in the matter." The civil forum is not competent to determine whether facts are proven that establish a canonically licit basis for separation, nor determine whether a separation is the kind that should be permanent according to canon law, or temporary. Every civil forum Plaintiff can force a permanent separation on the other spouse and children, force liquidation of assets, and transfer tens of thousands of dollars of marital assets to civil forum lawyers and court-ordered personnel. When a Catholic wife finds herself in a marital situation about which she is displeased, she should cooperate with experts who have experience successfully helping couples resolve their difficulty and grow in virtue, not seek permanent separation (or divorce). However, the civil forum never instructs parties of their obligation to work toward reconciling their marriage. Even though your decree encourages parties to seek assistance to reconcile their differences, the civil forum coerces the minimalization of only certain kinds of differences: differences regarding how to split children, property, and support.
6. In my xx April 2021 *Petition to Bishop to Pursue Reconciliation or Separation*, I said that if my wife would not restore common conjugal life, I asked for an administrative decree of separation of spouses based on the ground of abandonment to be in effect until she chooses to

cease abandonment. While canon 1692 describes a situation in which a bishop “can” give parties permission to approach the civil courts, I assert that canon 1692 does not provide a bishop with the discretion to refuse to instruct a case in the canonical forum when one party asked the ecclesiastic forum for a judgement deciding a lawful petition.

7. Your assertion that decisions of ecclesiastic courts and the Ordinary have no effect in the civil forum is an unproven assumption. We live in a constitutional republic which forbids states from making laws impairing obligations of parties in a contract. Parties who marry in a Catholic Rite accept obligations and rights as described in our Code of Canon Law, Catholic Doctrine and Tradition. Furthermore, religious liberties are protected, and parties are not forced by the state to explicitly renounce their Catholic understanding of marriage obligations and rights when they marry.

8. Your reference to a *responsum* from the *Pontifical Council for Legislative Texts* dated 4 November 2015 (Prot. No. 15181/2015) is misplaced. My petition did not question whether your permission was required prior to my wife petitioning in the civil forum. Moreover, if I was raising that question, I would have brought to your attention that the opinion of Cardinal Coccopalmerio, signed by himself alone, was not an authentic interpretation. The Council’s webpage (delegumtextibus.va) lists the opinion under the heading “*Risposte Particolari > Codex Iuris Canonici*” and shows that responses are introduced as only opinions, not authentic interpretations. Furthermore, canon 19 describes how opinions of learned authors are relevant only to matters for which there is not an express provision of universal or particular law. I could show you multiple opinions of learned authors who would demonstrate for you that Cardinal Coccopalmerio’s opinion is contrary to both universal and particular law.

Respectfully Yours in Christ,

Brian NAME