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This nonsense has got to stop.
Whatever Happened To The Year of Grace?!

His Holiness Pope Francis,
Apostolic Palace
00120 Vatican City State
Europe

Your Holiness,

I am sending you a copy of a letter that I wrote to Archbishop Sartain. The letter is self-explanatory and I trust and pray you will give it your consideration.

I assure you a daily remembrance in my prayers, and I extend to you my best wishes for a Blessed and a Holy New Year.

Sincerely yours in Christ,

Rev. Msgr. Michael Higgins, M.A., S.T.D., J.C.D.
Executive Director

Cc: Cardinal Marc Ouellet P.S.S. Prefect to the Congregation of Bishops;
Archbishop Carlo Maria Vigano, Apostolic Nuncio to the United States

January 22, 2016

Most Rev. J. Peter Sartain D.D., S.T.L.
Archdiocese of Seattle
710 9th Avenue

Seattle, WA 98104

Dear Archbishop Sartain:

On January 15, 2016, you published a list of “accused” priests and religious who served in your diocese over a period of many years. As you know, the list was widely disseminated in print and online. As you certainly know, the publication of the list represents a grave violation of the rights of the accused, and especially of the twenty-nine persons on the list who are deceased and thus have no way to defend themselves. This represents a profound violation of charity, ethics and canon law, and stands out as an egregious example of a lack of charity during this Year of Mercy.

(cfr. http://www.seattlearchdiocese.org/Assets/SEP/7043_DisclosureList.pdf)

The question that lingers in the minds of many people and most priests is this: Why do so many of our bishops yield to public pressure by subjecting their priests and religious to public opprobrium in a way that no other institution in our society does? The primary damage, obviously, is to the priests and religious themselves, but the families of the accused as well as the communities in which they served suffer collateral damage from the irresponsible publication of the names of deceased persons and of an unknown number of innocent persons. The publication of this list, while potentially exposing the persons on the list to grave danger, does utterly nothing to protect children, families or communities.

The publication of these names will expose at least some of the persons on the list to the very real danger of vigilante justice as well as to the loss of their jobs and/or their homes. The concept of credible allegation does not have any legal foundation in canon law or civil law. Have you done anything to protect the persons on the list from the dangers and harm to which you have willingly, knowingly exposed them? If not, then that negligence compounds the injustice you have done to them.

Our canonists speak with priests and religious from all over the world. A theme that emerges from these conversations is that most priests, especially in the United States, know two things about their lives as priests: 1) Every priest is aware that he is only one phone call away from being removed from public ministry, and treated with a presumption of guilt that can never be lifted. 2) Priests also know that once accused, their bishops will not support them, publicly or privately; pastorally or materially. Many priests are unwilling to encourage priestly vocations precisely because they are unwilling to invite young men to a life in which they are so vulnerable and have so little support from their bishops.

Most priests who are assigned in the United States are generally American citizens and pay taxes. They enjoy the rights and privileges of the Constitution and are innocent until proven guilty. The right of defense is intrinsic to natural law, divine positive law, and canon law. If such a defense is not given, the decree is null and void (*irrita est.*). They have a right to have a canonical penal process in the ecclesiastical court. (cfr. “The Right of Defense” in Justice for Priests Newsletter 2013 pp. 8-9)

There is a long tradition in the Church that a person can always exercise the **Right of Appeal**. This is very clear from the Second Council of Lyons in 1274 (cfr. d.b. 466.) which stated that anyone can appeal any burden “ad ecclesiasticum forum perinentibus appellare.” The First Vatican Council taught the same doctrine in 1870. (cfr. d.b.1830) concerning the Roman Pontiff, ... we declare, that in all cases looking for ecclesiastical examination one can turn into his judgment “et in omniis causis ad examen ecclesiasticum spectantibus ... cuius auctoritate maior non est, iudicium a nemine fore retractandum,” canon 1417 §1(c.i.c. 1983) states that at any time a person may refer his case to the Roman Pontiff; and canon 1638 further states “that an appeal suspends the execution of the judgment..” Some priests have received a decree of laicization and were not aware of any canonical process taking place.

You cannot unring this bell; you cannot undo the serious damage you have done to the accused (guilty and especially innocent), their families and their communities. However, you can and should apologize for it. You should apologize to the accused themselves, to their families and communities, to your local Church, and to your brother bishops. Your irresponsible action will subject many bishops to pressure to take the same reckless step you took. You must encourage them not to do what you did. They should learn from your mistake not repeat it.

I extend to you my best wishes for a Blessed and Holy New Year.

Sincerely yours in Christ,

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