ARCC Light
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ARCC celebrates twenty-five years: 1980-2005
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American Catholic Council– Next Step

The Reform Movement of the Catholic Church in America –in the spirit of Vatican II–is on the cusp of a "Great Leap Forward," to borrow a phrase from Mao. ARCC has for several years been promoting the idea of all the major Catholic Reform groups in the U.S. joining together in an ***American Catholic Council*** to move our common agenda forward. That Great Leap Forward is now being launched! The largest of the American Catholic Reform organizations–Call to Action and Voice of the Faithful–are on board, along with, of course, ARCC, and others.

We are only at the very beginning of planning–meaning that we are still gathering collaborating organizations. Further, and most important, we are looking for creative suggestions from all of our members–meaning you!–on how to move forward in the most fruitful manner possible.

Here are four major points that have already been agreed on:

1. The basic Resources of the ***American Catholic Council*** are the documents of Vatican II and the processes and documents of the 1976 Call To Action led by the National Council of Bishops and involving massive numbers of laity, religious, and priests.
2. The major focus will be on church governance. None of the diverse concerns of the various U.S. Catholic reform organizations will be attainable unless there are structural means to work toward their implementation. That means, minimally, striving for Catholic Church decision-making structures that are built on the democratic principles of accountability, transparency, representativeness, and due process of law.
3. There will be the widest possible solicitation of input from all levels of Catholics around the country. Techniques that have already been discussed include national public hearings (as was done in 1976), approaches to parish organizations as well as organizations of laity, religious, and clergy, internet and other electronic means. Concrete suggestions in this area are especially solicited from you!
4. The initial aim will be the coming together of thousands of chosen delegates and interested Catholics from around the country in an ***American Catholic Council*** in the year 2011.

What is needed from all ARCC members at this point are your involvement, reflections, and brain-storming ideas!

Leonard Swidler, President

Pope John XXIII on Bishops

From His Address to A Diocesan Synod in November 1957 when he was Patriarch of Venice:

In the liturgy . . . the bishop is called father and pastor. He must provide for the spiritual welfare of his children and protect them against threats to their faith. But in so doing, the bishop himself must guard against two threats: authoritarian arrogance and paternalism. Authoritarianism suffocates truth, reducing everything to a rigid and empty formalism that is dependent on outside discipline. It curbs wholesome initiative, mistakes hardness for firmness, inflexibility for dignity. Paternalism is a caricature of true fatherliness. It is often accompanied by an unjustifiable proprietary attitude to one's victim, a habit of intruding, a lack of proper respect for the rights of subordinates.

How to Break Almost Anyone

I have what is popularly known as "full body arthritis," that is, all the joints in my body are affected and they hurt. The best way I can describe it is to ask the oldsters like me to remember the big slabs of peanut brittle you used to be able to buy for a dime. They were too thick to bite into so you would take the whole slab in your hand and slam it down against a flat hard surface. That would break it into a million little pieces and then you could eat your peanut brittle.

I am that peanut brittle, cracked and broken through my entire body, hurting in places I didn't know I had. The condition is progressive and will only continue to get worse –more pain more of the time and less mobility. No hope, just more and stronger pain killers.

A few weeks ago, I began to seriously consider the possibility of suicide. Peace, no more pain, being able to leave to my somewhat needy nieces, nephew, friends and charities the hard-earned life savings that are at present being frittered away on doctors and drugs and soon on a wheelchair or a nursing home. I was sure God/de would forgive me, though perhaps be disappointed that I was too much of a coward to drink all of the cup, as Jesus did.

Then I started to reconsider. Maybe my family would blame itself, as often happens in those cases, even though they obviously were not at fault. Maybe I would chicken out half-way through and only make my physical situation worse. Maybe God/de's welcome would not be as warm and easy as I thought. Maybe there was a reason or purpose for my God-awful pain and I would be running away from it. Maybe, if I could just hold on, I could gain insights through all this and be of some help to others.

What on earth does all this blather have to do with Church reform, with the goals of ARCC? Ultimately, what almost broke me was that there was no end in sight, that no matter what I did, it would just go on and on. There was no escape except leaving (literally) or staying and taking opiates to dull the pain. And that's what it has in common with the struggle for Church reform. The immovable Pope, the obstructionist Curia, the self-deluded or plainly pandering hierarchy, just go on and on and on, with little if any change except self-preserving ones.

Come on, Roussel, don't exaggerate: nobody's killing him- or her-self over Church reform! Really? What about the many – no one knows how many – victims of clerical abuse who have committed suicide? How many survivors of abuse wish they could kill themselves, or are so profoundly scarred that they can only get through each day numbed by pharmaceuticals or alcohol? How many Catholics feel or are spiritually dead because they finally had to leave the Church they loved because they just couldn't take the arrogance, stubborn hard-heartedness or stupidity any more? How many are starving for the Bread of Life but are told it would be sacrilege to partake because of a failed marriage followed by a successful but canonically "irregular" one? How many are torn apart, day after day, by the high-handed injustices perpetuated by a Bruskewitz or a Burke and, when they protest, are told smugly "The Church is not a democracy?" No wonder the Church is often referred to as "the Hurch," that is, an institution run by and seemingly for the benefit of, the hierarchy.

And yet somehow, miraculously, we struggle on. We cannot give up completely on the Church that is part of us any more than I ultimately can give up on this body or this life that are my lot. Crazy, isn't it? Yet, I suspect that God/de weeps with us and will somehow bring sense and our good out of it all.

Christine M. Roussel

Power and Legitimation in Church and State: Twenty-Five Years After Vatican Two

By Sr. Esther Heffernan, O.P. (August 10, 1990)

This is a slightly different article from most of our offerings and commentaries in *ARCC Light*.

Sister Esther Heffernan is a well-known historical sociologist who has devoted her professional life not only to teaching at Edgewood College in Madison, WI, but also to reforming and humanizing our penal system by seeking to understand and to analyze for the powers that are the assumptions and mechanisms underlying it. She is also a Dominican nun of over fifty years' standing and in those years she has noticed and documented the psychological, theological and historical similarities between these two systems of control – Roman Catholicism and the American penal system.

This is an abbreviated version of a paper Sister Esther delivered at the 1990 meeting of the Association for the Sociology of Religion. Coming across it a few months ago, she was amazed at how little has changed, especially in the Church, in the almost twenty years since she gave it. She was kind enough to offer it to ARCC for publication. That was too good to pass up even though it is longer and has a full scholarly apparatus we could not accommodate in the ARCC Light format. So, this shortened version, sans footnotes and bibliography, is our lead article here, and the full version given in 1990, complete with a fascinating bibliography, will appear soon on our website at http://arcc-catholic-rights.net .

Esther, THANK YOU, and if I edited too much out for this version, mea maxima culpa! I know you won't tell the guys in the big house in Rome.

Christine M. Roussel

In the Church we are in the midst of excommunications and silencings, decrees and regulations on the authority of episcopal conferences and the legitimacy of dissent, oaths of fidelity, suppression of questioning on the process of appointment of Bishops and the ordination of women. In the United States (where almost two out of every hundred adults are under the direct "correctional supervision" of the State) there is a mounting demand for capital punishment, imprisonment and criminalization of behavior, in a "war on crime" defined as integral to national security.

At the same time, we are living in a time of profound challenges to the legitimacy of what appeared to be monolithic structures of organizational control in both church and state – challenges which are mounted in the name of liberation, freedom, participatory democracy, collegiality, restitution and reconciliation.

For a number of years I have been exploring the paradoxes of freedom and slavery, domination and equality through socio-historical research focusing on the late eighteenth and the nineteenth centuries, during the founding of the American Republic as well as other modern nation-states. I will attempt to develop, in extremely broad strokes, what I think are the contemporary consequences for the church as well as the state, of particular decisions made during that revolutionary period which represent two continuing historical realities. First, that governing persons or bodies in the state tend to legitimate their power by divinization of their authority, and, secondly, that models of power and authority used in the church reflect, by analogy and from political interaction, those of the state. Historically, this reality is exemplified in the use of the imperial model by Pope Gelasius in the fifth century: "There are two persons, August emperor, by whom this world is principally governed: the sacred authority of the pontiffs and the royal power."

As we consider the multiple legacies of Vatican II, one legacy that generated the most vital energies and hopes, was not explicitly expressed in any specific document of the council, but flowed from the very calling of the council itself. Vatican I's *Pastor aeternus* and the 1917 Code of Canon Law, with their declaration of Papal infallibility, and the description of the Church as a "perfect society," autonomous, centralized, hierarchical, and monarchical; with the Pope, as Vicar of Christ, having supreme, full, universal, ordinary, and immediate authority (significantly, attributes reaffirmed in the 1983 Code) appeared to define councils and practice of collegiality not only as unnecessary but perhaps illegitimate.

The dynamics of discourse, dissent, controversy, and compromise at Vatican II opened up a vision of mutual relationships in the Church which found its expression not

only in the definition of the Church as the People of God but in the ubiquitous use of the term collegiality for mutual decision-making and shared authority. It appeared, as Granfield expresses it, that episcopal collegiality "may well be the most far-reaching and revolutionary teaching in the entire history of ecclesiology." (p. 77) Collegiality was associated not only with conciliar decision-making by the College of Bishops and the Papacy for the "universal church," but viewed as equally legitimated within the "local church," the diocese, the parish, religious congregations and every "gathered community of believers."

Twenty five years ago we had a revolution in the Church and a new Constitution, *Lumen Gentium*. But like the members of the early American Republic, we were not exactly sure how much was retained of the past monarchical "perfect hierarchical society" of divine right, and how much we were about building, shaping, forming, living a community of *diakonia* among the People of God, in a "community of churches." It is within this context that my socio-historical exploration of the paradoxes and tensions of freedom and slavery, domination and equality, within the "constitution building" of the United States, may bring some insight into present day struggles throughout the world over questions of power and authority in both church and state.

Each new state's courts and legislatures faced the critical question of what constituted the "law"; what sets of assumptions and beliefs provided a basis for assuming its authority or legitimacy to define "rights and wrongs"? Should contemporary English statutory and common law provide the basis for the legal order, with its traditions regarding the authority of the Sovereign, an established church and a national religion, and a distinct legal status provided for nobility, clergy, military and commoners. Or, if sovereignty was retained "by the people," on what basis might the states, as well as the Federal government, determine "public wrongs" and establish justice in the 'new America?'

In each of the states a variant of the "reformed religion" was present, rooted in Calvinist doctrines of an "elect" people of God and of a natural "depravity" of all those not under the grace of election. The sacred dualism of "the gathered community of saints" and "outcast sinners" translated easily into a secular dualism of "virtuous citizens" and "vicious criminals," with the office of magistrate divinely ordained.

But in each state, alternative versions of a civil religion could be found, grounded in a range of interpretations of natural law and revealed religion, which envisioned America as a land of equality, freedom and diversity, drawing peoples from all lands into the promised land. A similar vision of the Church is found in *Lumen Gentium*: "All share a true equality with regard to the dignity and to the activity common to all the faithful, [with] no inequality on the basis of race or nationality, social condition or sex,. . . [and] by divine institution Holy Church is structured arid governed with a wonderful diversity." (32c,b,a)

Both versions found their expression in the political life and legislation of the new states and the federal government.

In those states which retained English statutory and common law, William Blackstone's *Commentaries on the English Law* played a critical role. While Blackstone noted that for persons with "philosophic minds," the rule of the Sovereign was clearly dependent on mutual consents he asserted that the "mass of mankind will be apt to grow insolent and refectory," if the Sovereign is not invested with the attributes "of a great and transcendent nature." For the good of the Commonwealth, it is necessary that the Sovereign be designated "supreme head of the realm in matters both civil and ecclesiastical," "omnipotent," "omnipresent," "all perfect," and the "fountain of justice."

I think it is critical for our understanding of the struggles over the locus of authority in the Church to realize that it is within the context of this model of the conscious divinization of the sovereignty of the modern nation state, that, as the Papacy was losing sovereignty in the Papal States, Vatican I was called. A Council whose authority was also of divine right, could affirm the great and transcendent spiritual authority of the Pontiff over and against the temporal sovereignty of the modern nation state. Of equal importance in this context, is Blackstone's identification of the Sovereign with a person. It is in the person of the Sovereign that the nation is embodied, and, consequently, legitimates the power of the State, to control the members of the commonwealth as subjects. The formulation of the locus of power in a person is analogous to Papal demands that members of the church make a direct vow of obedience to the person of the Pope.

According to participants and observers at Vatican II, the intense controversy over the vision of the Church as a "community" or as a "perfect society" (sociological concepts borrowed by theologians and canonists) ended in compromise. Both models of relationship— one of equality, diversity, mutual dialogue and consent; the other of centralized, hierarchical sovereignty, were incorporated in uneasy tension within the documents of the Council. Both models are present in the 1983 revision of Canon Law. However, codifications, rooted in nineteenth century

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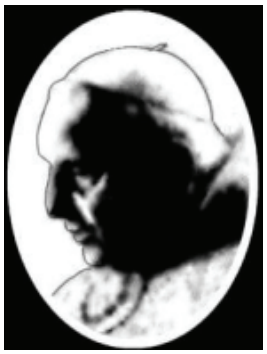
Len Swidler

positivistic views of the law, are capable only of expressing relationships of power and hierarchy, not relationships of service and communion. Consequently, its formulators in critical sections redefined the church as an unequal "perfect society." As a result, Wuif concludes that in even more clearly articulated terms Vatican I's affirmation of hierarchical Papal power and authority, rather than the communal and collegial authority envisioned by Vatican II, dominates the "new" law of the Church. The threat of excommunication— a severing of the bonds of membership in the life of the church, and silencing, as a form of intellectual solitary confinement, provide the mechanisms for total submission and obedience in the Church.

In the United States, the tensions embodied in the legitimation of the relationship of white masters to black slaves in a nation founded on the equality of all men, and in bitter political struggles over the primacy of federal and national or domestic and state sovereignty, led finally to a bloody and divisive Civil War. The Union was saved, but the tensions remain unresolved.

A parallel patriarchal model views the governing Church as a "gathering of the Fathers" ruling collegially, by "divine law." Bishops rule within their own "domestic" or "local" churches as "divine right monarchs" and, as corporation sole, personify the Church. "The bishop is in the church and the church is in the bishop." While, in turn, the Councils bring together these heads of the local churches for the protection and governing of the universal Church, a "community" whose members are the "local" or "domestic" churches.



Submissions and schisms have historically accompanied the long struggle between the Papacy and the patriarchical Councils over their right, by divine law, to supreme and universal authority in the Church, as well as over the authority of the Bishop in his own Church. But the nineteenth century assertion of the supreme sovereignty of the Pope in Vatican I and the subsequent schisms, submissions and excommunications, did not lay to rest the long traditions of conciliar and collegial authority, or the more recent formulations of subsidiarity, as central to decision making in the Church. Nor did Vatican II bring them clearly back to life. The question of the legitimacy of the conciliar authority of the bishops in relation to that of the Papacy tensely determines the structure and process of every Synod of Bishops, the formation and authority of Episcopal Conferences and the intricate political world of Curial regulations, Papal legates, and behind the scenes negotiations among the bishops.

Believers in this model perceive also that the very being" of the Church is equally dependent on the subordination of laity to clergy and the episcopacy, and women remaining mediated by men. In a multitude of ways, we experience the consequences of this struggle to maintain a world of domination and submission in the name of the Church.

Twenty five years after Vatican II we are living in a world of modern technology, when the Pontiff can indeed be an omnipresent embodiment of power and authority. At the same time, in a multiplicity of mutual relationships, within a vision of dialogue and diversity, communities are forming church, from San Egidio in Rome itself, to Taize, within worldwide base communities and religious orders rooted in centuries of tradition, and quietly, within local parishes, legitimated by the historic "divine right" of the *sensus fidei*.

Esther Heffernan, O.P.

JAMES M. O'TOOLE, *THE FAITHFUL: A HISTORY OF CATHOLICS IN AMERICA* (CAMBRIDGE, MA AND LONDON, ENG., 2008)

We try to review interesting and important books for *ARCC Light*, books that could contribute in some way to the movement of the Church toward its much-needed reforms. A realistic understanding of the experience of Catholics – lay Catholics who comprise more than 99 percent of the Church – provides a vital perspective, a frame of reference, for such a process. Having accurate, reliable information on "where we have been" is absolutely crucial to understanding where we are now, and why, what kind of Church we want to build, and what kind of Church we can build.

Finding and compiling this kind of information is what makes social history so interesting but also so difficult. Attempting the social history of as diverse a group as American Catholics over a span of two centuries is difficult with a capital "D" but that is the task that James M. O'Toole of Boston College has undertaken. The result is a very informative, useful and even entertaining book, The Faithful: A History of Catholics in America.

The Faithful is remarkable in several ways: first and foremost, it conveys a huge amount of information in a painless fashion, with a deceptively easy writing style and analysis interspersed with vignettes of individuals taken from their diaries and correspondence. And he does this within a time frame of 200 years, ending in our day.

To make such a long period manageable, Dr. O'Toole divides it into six chapters. "The Priestless Church" covers the last years of the eighteenth century and first years of the nineteenth. "The Church in the Democratic Republic" picks up in the 1820's and goes to the 1850's. "The Immigrant Church" discusses the second half of the nineteenth century. "The Church of Catholic Action" examines the first half of the twentieth century. "The Church of Vatican II" examines the second half of the twentieth century, and "The Church in the Twenty-first Century" tries to analyze where the Church is now and where it is likely to be as this century progresses.

Each of these sections has its own particular virtues. I found "The Priestless Church," for example, particularly moving for the hardships, diligence and constancy it revealed in the circuit-riding priests and the isolated Catholic laity who managed to forge vibrant spiritual lives for themselves with only intermittent access to the sacraments. "The Church in the Democratic Republic" covers the lynchpin period that determined the nature of the future American Church. The 1820's saw the development and then the unfortunate interaction of two distinctly American phenomena - a constitution for the American Church and the crisis of trusteeism.

John English, Bishop of Charleston, SC, was Irish by birth and emigrated to the United States in 1820 to take up his see, which included North and South Carolina and Georgia. He thought very highly of the founding principles of the United States saying that the "sun of rational freedom' shone brightly in America" (65). Wishing to conform American Catholic organization to its civil counterpart, he drafted a constitution for his diocese. In 1823 he read the entire document to the clergy and laity of his diocese and asked for their vote on each article. The constitution was accepted unanimously. It had already been accepted in Rome. This constitution outlined the organization of local parishes, where all practical matters were directed by a vestry, wardens and other elected officials. Although the naming and replacement of pastors was the province of the bishop, his obligation to investigate and report back to the congregation on complaints was clearly spelled out. All practical matters, including finances, were in the hands of the vestry. Doctrine was the purview of the clergy and bishop. The same division of labor existed in the bicameral legislature of the annual convention called by the bishop. One participant wrote after the first year's meeting "Never did there exist more affectionate attachment between clergy and laity . . . Nothing was so striking as the delicacy observed on all sides to avoid the semblance of the interference with the rights of others. The peculiar duties and special rights of each were so distinctly marked."(52) This extreme care was doubtless intended by Bishop England to prevent possible future problems, but problems over jurisdictions within parishes had already begun in other cities, such as Philadelphia. To provide continuity of services and even existence in parishes, many had created Boards of Trustees, but conflicts between these Boards and the clergy - priests and bishops - began in the 1820's during the period of what O'Toole calls the "churchification" of the American laity, a period in which the hierarchy was growing in power, aided by Rome which freely named the bishops, and accustoming the American laity to regular attendance at Mass and the other sacraments and imposing a hierarchy on the laity. At the general meeting in Baltimore in 1829, the American Bishops announced in a letter to American Catholics that "according to the unalterable constitution of our church . . . all local parish property was now to be held solely in the name of each bishop ... .(62) They even quoted Pope Leo XIII who had commented on a Trustee dispute in New Orleans "Shall sheep lead the shepherd?" (63) Bishops depended on their priests to help keep Trustees in line, since they considered priests and addressed them in letters as "reverend co-operators and Brethren in Christ." Letters to laity began with "children in Christ" (963). With such a climate growing, Bishop English was isolated. He continued to call conventions every year, but when he died in 1842, his successor quietly stopped them. Obedience to bishops and to Rome and orthopraxy were the order of the day, creating a framework within which the large numbers of Catholic immigrants to the United States in the 1840's through to World War I had to fit.

The local Catholic Church was one of the very few familiar institutions for the masses of immigrants who made their way to America in the second half of the nineteenth and the beginning of the twentieth centuries. As the number of Catholics grew, parishes, schools and hospitals, the last two served by a rapidly growing number of nuns, sprang up as well. The number of laity, priests, nuns, and parishes doubled, then tripled during this period. Interestingly, these parishes, and the schools attached to them, served a double purpose: they provided a meeting place, a spiritual and social refuge, for homesick and disoriented new arrivals, with Masses and familiar devotions in their native language, but they also assisted in the adjustment and assimilation of generations of immigrants.

It was these fully-assimilated Catholic immigrants who became the Church of Catholic Action in the twentieth century. American Catholics came into their own, becoming involved in economic and social activism, creating a multitude of Catholic confraternities, bringing the Gospel's message into the mainstream of their world. Professor O'Toole discusses all their new activities, devotions and groups in breathtaking detail, yet this chapter, like its fellows, is eminently clear, interesting and readable.

This wealth of information, on individuals, groups, titles, customs, devotions, devotionals, sacraments, sacramentals –in short, on almost every aspect of American Catholic practice in the century from 1850 to 1960 - is one of the most valuable aspects of this book. Those of us in our 60's or beyond don't always realize how foreign the pre-Vatican II Catholic world seems to anyone who wasn't "there," wasn't raised with fasts, indulgences, confraternities, blessed medals, scapulars, high Masses, Benediction, novenas, patronal feasts - all of the demanding, yet reassuring, cocoon in which "we" were raised. Chapters 3 and 4 of "The Faithful" provides an accurate education for the younger generation, converts or interested non-Catholics, and a–forgive me for being a bit prosaic– stroll down memory lane for those of us who lived through it.

Before the reader realizes, s/he is on the threshold of the Church of Vatican II. Recognizing how vast the material and possibilities relating to this period are, Prof. O'Toole chooses to concentrate in the first two-thirds of this chapter on the far-reaching changes in Catholic liturgy and its trickle-down effects on the Catholic laity and clergy. The definition of the Church itself changed from the Mystical Body of Christ which is beautiful and inspiring but somewhat difficult theologically. It also clearly allows for some people to be the brains and heart, directing movement, and others to be the humbler legs and feet, who go where they are told. Vatican II declares quite clearly that the Church is the People of God - no prearranged head or feet. The last third of this chapter brings in the effect of John Paul II, the beginnings of reaction against Vatican II, and the issue of gender for priests, with the decline of male vocations to the priesthood and the rise of the women's movement and the increasing number of female theologians and pastoral associates.

This brings the reader to the final chapter, "The Church in the Twenty-first Century" beginning with the second "bomb" of the new millennium (after the World Trade Center), the priest pedophile scandal. The fallout continues. As O'Toole rightly put it:

"What began as rage over the mishandling of these horrific cases grew quickly into a broader crisis of confidence in the leadership of the institutional church. Many Catholics wondered how they could trust their bishops after such a demonstration that their

"shepherds"seemed to care so little for their flocks. If lay people, those who had been told for a generation that they were the church, could expect so little regard for themselves and their children, how could they trust church officials with anything? Financial contributions fell, in some places sharply, and lifelong Catholics began to wonder how to sustain their affiliation with the church. Ad hoc groups of angry parishioners came together to talk about what to do, and virtually overnight they formed a national organization of lay people to press for change. . . . the days of unquestioning lay deference to the hierarchy were over. Encouraged in part by the example of the growing ranks of lay people with official roles in parish churches -- the number of lay ministers had surpassed the number of priests in the country by the mid-1990's – the laity seemed determined to make real the assertion that they were the church." (268-9)

Prof. O'Toole attempts to set forth all sides of the several crises facing the Church today as fairly and completely as possible. He tries very hard not to take sides, although occasionally in this chapter, I think he lets the hierarchy and Pope John Paul II a off bit easily. That, however, is very much a matter of opinion.

In sum, this is a very good book. It is well-researched, well-written and provides all the notes one could wish for to continue one's own research. I even had the great pleasure of finding a copy of the "Manual of Prayers" mentioned several times in the notes to Chapters 1 and 2 at a secondhand bookstore, which made me feel all the more connected to these far-away predecessors in faith, even though I myself am descended from French Catholics who came to the US in the 1930's for a longish visit and stayed fifty years. I do wish that Professor O'Toole had given some attention to the very earliest Catholics to reach America, the Spanish, but I'm sure he would say that, unfortunately, that is another story and another book. Maybe that will be his next project.

Christine M. Roussel

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Editors: Christine M. Roussel, PhD, rsvpcmr@juno.com
Ingrid H. Shafer, PhD, Email:ihs@ionet.net

Association for the Rights of Catholics in the Church
3150 Newgate Drive
Florissant, MO 63033