

**UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK**

THE UNIVERSAL CHURCH, INC.

*Plaintiff,*

against,

UNIVERSAL LIFE CHURCH/ULC  
MONASTERY d/b/a THE UNIVERSAL LIFE  
CHURCH, UNIVERSAL LIFE CHURCH  
MONASTERY STOREHOUSE, GEORGE  
FREEMAN, BRUCE TAYLOR, CALVIN  
TOELLNER and DANIEL CHAPIN

*Defendants.*

Case No.: 14-cv-5213 (NRB)

**EXPERT WITNESS DISCLOSURE**

Pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure, defendants UNIVERSAL LIFE CHURCH/ULC MONASTERY d/b/a THE UNIVERSAL LIFE CHURCH, UNIVERSAL LIFE CHURCH MONASTERY STOREHOUSE, GEORGE FREEMAN, BRUCE TAYLOR, and CALVIN TOELLNER ("Defendants"), by counsel, Wilson Elser Moskowitz Edelman & Dicker LLP, hereby attach the expert witness report of Rev. Msgr. John A. Alesandro, STL, JCD, JD, who has been retained by Defendants and is expected to be called at the time of trial to present evidence under Fed. R. Evid. §§ 702, 703, 705. Defendants reserve the right to supplement this disclosure as additional information becomes available through discovery or otherwise.

Dated: New York, New York

April 15, 2016

Yours, etc.,

WILSON, ELSER, MOSKOWITZ,

EDELMAN & DICKER LLP

By: \_\_\_\_\_

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Our File No. 12743.00026

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CHURCH, UNIVERSAL LIFE CHURCH  
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TOELLNER and DANIEL CHAPIN

Case No. 14 cv 5213

**EXPERT REPORT**

REV. MSGR. JOHN A. ALESANDRO, STL, JCD, JD

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## EXPERT QUALIFICATIONS

I have been asked to give an expert opinion on the phrase "Universal Church," from the perspective of its current and historical religious use. I have been compensated \$5,000 for my time and expenses in preparing this report.

At the end of this report I have attached a complete list of my qualifications to offer such an opinion (Exhibit A). The following represents a summary of those qualifications:

I am an active ordained priest of the Catholic Church, attached to the Diocese of Rockville Centre, New York (Nassau and Suffolk Counties). I was ordained over forty-nine years ago at St. Peter's Basilica in Rome on December 17, 1966, where I studied Theology and Canon Law, achieving a Licentia Sacrae Theologiae (STL) cum laude in 1967 (similar to a Master's degree in the United States and authorizing one to teach theology in an ecclesiastical university) and a Doctorate in Canon Law (JCD) summa cum laude in 1971 (the terminal degree for canon lawyers).

In 1994 I completed my studies in American law at St. John's School of Law in Jamaica, New York, achieving a Juris Doctor degree (JD) summa cum laude and graduating as class valedictorian. I was granted various papal honors, culminating in an appointment as Protonotary Apostolic in 2002.

Over these many years I have been very active both professionally and academically. I have been an active member of both the Catholic Theological Society of America and the Canon Law Society of America since 1971.

In the Canon Law Society of America, I have served in many positions, including as president of the Society. Currently, I am leading a project on the creation of a canonical research database that will be accessible on the Web. It will be launched publicly next month.

In theology and canon law, I have written many works and given major addresses in my field. Most recently, Paulist Press published my book entitled *Indissolubility and the Synod of Bishops*. I will be delivering a major address on a similar topic at the Annual Meeting of the Canon Law Society of America in Houston, Texas, this coming October.

I also served for many years as a canonical consultant to the Committee on Canonical Affairs of the United States Conference of Catholic Bishops in Washington, D.C., and in several matters represented the Catholic Bishops of the United States in Rome in regard to the revision of the Code of Canon Law and subsequent derogations of and applications of the canon law.

Currently, my professional duties include serving as judge-instructor of special cases sent by the diocesan bishop to the Congregation for the Clergy in Rome as well as teaching at various institutions of

higher learning, including St. John's School of Law in Jamaica, New York, and Molloy College in Rockville Centre, New York.

I have also served as Distinguished Lecturer at The Catholic University of America in Washington, D.C., as adjunct professor at Fordham Law School in New York, New York, and as canon law professor at Immaculate Conception Seminary in Huntington, New York.

## **COURT PLEADINGS**

I have read the first amended complaint of Plaintiff "The Universal Church, Inc." against Defendant "Universal Life Church/ULC Monastery, etc." (Civ. Action No. 14-5213), dated 11/10/14, as well as the Defendant's answer with affirmative defenses and counterclaims, dated 1/12/15, and Plaintiff's reply to counterclaims, dated 2/2/15.

I have also reviewed the following trademarks registered with the United States Patent and Trademark Office: Reg. No. 3,037,551, "Universal Church" (first use: 1/1/1978; in commerce: 5/3/1987); Reg. No. 4,124,440, "The Universal Church" (first use: 0/0/1987; in commerce: 0/0/1987); Reg. No. 3,040,029, "The Universal Church of the Kingdom of God" (first use: 5/5/1987; in commerce: 5/5/1987).

Of particular interest to me in these documents were two specific paragraphs in Defendant's "Answer with Affirmative Defenses and Counterclaims" filed on January 12, 2015:

1. Defendant's Eleventh Affirmative Defense: "Plaintiff's trademarks are generic and/or lack necessary distinctiveness to legally function as source identifiers under applicable United States law."
2. Defendant's Second Counterclaim, pars. 11: "For example, the purportedly trademarked phrase "Universal Church" has been and continues to be associated with any number of churches, including the Christian Church as a whole, the Catholic Church, Ecumenism, and any of a number of Universalist churches and movements in the United States and around the world. In particular, the Catholic Church literally means the "universal Church," as the term "catholic" derives from the Latin "catholicus," meaning "universal." As such, Counter-Defendant's Trademarks are plainly generic and/or lack distinctiveness."

## **EXPERT OPINION**

From my perspective as an experienced theologian and canon lawyer of the Catholic Church for over four decades, it is my firm opinion that that the phrase "Universal Church," with and without the definite article "The," was commonly used well prior to the Plaintiff's first known use of the term circa 1978, no

less its use in commerce circa 1987. The longstanding common use of the phrase "Universal Church" in various contexts demonstrates without question that the phrase has been in generic usage over two millennia to describe the Church as a whole throughout the world.

I have collected some citations to illustrate the prevalent use of "Universal Church" as a commonly-used generic phrase. I have grouped the references into five categories:

1. Ancient Usage
2. Modern Usage
3. Codes of Canon Law
4. Catechism of the Catholic Church
5. Common Parlance

In offering quotations from the various sources, I have added underlining and boldface to the references to facilitate perusal of these citations.

## **ANCIENT USAGE**

The phrase "universal church" dates back to the early days of the Catholic Church. Long before it was expressed in English, it was used early on in Latin ("ecclesia universalis") to refer to the Church throughout the world as a whole.

Pope St. Leo I: "Although the Universal Church of God is constituted of distinct orders of members, still, in spite of the many parts of its holy body, the Church subsists as an integral whole..."<sup>[1]</sup>

1. St. Leo I. For example, St. Leo I, who was Pope from 440 to 461 a.d. used the phrase to emphasize the unity of the entire Church even though the Church consists of many individual members who carry on different functions. He was basing his statement on the teaching of the Letters of St. Paul that individual members of the Church make up the body of Christ.

Decree of Gelasius: Nunc vero de scripturis divinis agendum est, quid universalis catholica ecclesia recipiat ("Now indeed the divine scriptures must be discussed, which the universal Catholic church receives").<sup>[2]</sup> 2. Gelasius. Another example can be found in an ancient collection put together in the next century (550 a.d.), entitled the Decree of Gelasius (Decretum Gelasianum). This collection was attributed to Pope Gelasius (493-496 a.d.). The introductory sentence of the entire Decree refers explicitly to the "universal catholic church."

Pope Julius II: *Universalis ecclesiae* ("Of the Universal Church"), July 28, 1508.<sup>[3]</sup> 3. Julius II. Over the centuries, various papal documents have not only referred to "*ecclesia universalis*" in the text but have actually included the phrase in the document's incipit (the "title" of the document taken from its first few words, a practice that continues even today). An example can be found at the time of the discovery of the New World by Columbus, as certain papal documents addressed this newly-discovered "world." One of these documents was a Papal Bull issued by Pope Julius II that dealt with the status of the Spanish colonies emerging in the New World.

St. John Eudes: "The Son of God wills to give us a share in his mysteries and somehow to extend them to us. He wills to continue them in us and in his Universal Church."<sup>[4]</sup> 4. St. John Eudes. A century later, St. John Eudes (1601-1680), in his *Treatise On the Kingdom of Jesus*, referred to the Church in the present world as the universal church of Christ. 5. Pius IX. Moving closer to modern times, Pope Pius IX, in the nineteenth century, used the phrase several times as a title for his documents. Here are two examples:

1. In 1850 Pius IX used the title in a papal bull reestablishing the Catholic hierarchy in England (which had been wiped out under Queen Elizabeth I).

Pope Pius IX: "*Ad Universalis Ecclesiae*" ("To the Universal Church"),

February 7, 1862.<sup>[6]</sup>

Pope Pius IX: "*Universalis Ecclesiae*" ("Of the Universal Church"),

September 29, 1850.<sup>[5]</sup>

2. In 1862, he used a similar title in a document about religious orders of men who take solemn vows.

These are just a few examples of literally thousands of documents in which "*Ecclesia Universalis*" has been used over the centuries in a generic fashion to refer to the Church throughout the world.

## MODERN USAGE

The phrase "*ecclesia universalis*" was translated into various modern languages, including English, and continued to be used in several contexts and at every level of Church authority as a generally accepted way of referring to the Church throughout the world — at times alternatively to, and at other times along with, "Catholic." In modern times, particularly after Vatican Council II (1962-1965), the phrase was used in a generic sense not only to refer to the Church as a whole but, more specifically, to distinguish the whole Church from Church entities at the local level. Thus, in modern vocabulary, the phrase

"Universal Church" was used to distinguish the Church as a whole from the individual diocese and similar local units of the Catholic Church, which are referred to, instead, as "Particular Churches."

The following are some references to illustrate this usage, especially the important distinction between "universal church" and "particular church":

1/25/1959 – Pope John XXIII: "... thinking again of the twofold duty entrusted to a successor of St. Peter, there immediately becomes evident his double responsibility as Bishop of Rome and Shepherd of the Universal Church." Later on in the document he announces a "twofold celebration: a diocesan synod for the city, and an ecumenical council for the Universal Church."<sup>[7]</sup>

1. Convocation of Vatican Council II. Pope John XXIII announced on January 25, 1959, the convocation of Vatican Council II (along with the initiation of a Synod for the Diocese of Rome and a process for the revision of the Code of Canon Law). In his announcement, which took place at the Basilica of St. Paul Outside the Walls in Rome, Pope John, referring to himself in the third person, notes the double responsibility a pope has (for his own Diocese of Rome as well as for the Universal Church).
2. Reorganization of the Roman Curia. The Roman Curia is composed of various administrative and judicial entities such as Tribunals, Congregations, Councils, and Commissions, all based in Rome, to assist the Pope in his pastoral ministry to the Universal Church. In 1967 Pope Paul VI issued a major document reorganizing the entire Roman Curia. The title of this apostolic constitution was *Regimini Ecclesiae universae* ("Governance of the universal Church"). The document begins with a summary of the history of the Roman

Curia, noting the restructuring by Pope St. Pius X and the desire of Vatican Council II for a new reorganization. Throughout the document, the generic concept of the "universal Church" is repeated over and over again. The following first paragraph of this long document illustrates the usage. Following this example are many documents issued by entities of the Roman Curia, all of which commonly use "universal Church" to refer to the Church throughout the world as distinct from individual churches or dioceses on the local level ("particular churches").

8/15/1967 – Pope Paul VI: "1. § 1. The Roman Curia, through which the Supreme Pontiff normally expedites the affairs of the universal Church, is made up of Congregations, Tribunals, Offices and Secretariats."<sup>[8]</sup> 3. Staffing for the Congregation for the Propagation of the Faith. The Congregation for Evangelization (also known as Propagation of the Faith) issued norms about how associate members and consultors are appointed to the Congregation by the Pope. In doing so it notes that such staffing comes from "the continents of the world" in order to represent "the Church Universal."

2/26/1968 – Propagation of the Faith: "Out of the candidates proposed, the Supreme Pontiff will select twelve prelates having sees in the missions, four who reside outside the missions but with due consideration of the continents of the world so that in some fashion the Church Universal may be represented and with concern that none be omitted which set forth the needs of the churches which are called "junior" or "indigenous." [9]

6/30/1968 – Pope Paul VI: "Since the main principles regarding the regulation of ecclesiastical benefices have been changed by the Second Vatican Ecumenical 4. Ecclesiastical Benefices. Benefices were trusts set up to fund clergy serving in various posts. This outmoded form of support was altered significantly for the "universal Church" by Vatican Council II. Pope Paul VI applied this change to the Diocese of Rome in the following document.

S.J. and James I. O'Connor, S.J., *The Canon Law Digest*, vol. 6 (New York: The Bruce Publishing Company, 1969) 324-357. Roman documents are normally published in the *Acta Apostolicae Sedis*, the official organ of promulgation of the Apostolic See, which is abbreviated AAS. They are also readily available on the Vatican website: <http://w2.vatican.va/content/vatican/en.html>.

*Digest*, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 227.

Council for the universal Church, the administration of the Diocese of Rome demands that even in this Roman Diocese of Ours the said regulation be harmonized with the pastoral principles of the sacred universal synod. This will be done, first of all, by the pertinent authority which has the responsibility of conferring this kind of benefice." [10] 5. International Missionary Efforts. The Congregation for the Evangelization of the Nations issued a document to foster cooperation between efforts on the part of the Vatican in missionary areas and local bishops who serve the people there, emphasizing that the universality of the Church calls for such unity.

2/24/1969 – Congregation for Evangelization: "All missionary cooperation must be arranged in an orderly way since it is part of that solicitude by which the bishops as 'members of the episcopal college and the legitimate successors of the apostles' together with the Supreme Pontiff "are obliged for the sake of the universal Church by reason of Christ's institution and command." [11] 6. Regalia of Prelates. Occasionally, direction is given about the proper attire, titles and coats-of-arms of Cardinals, Bishops and other Prelates. One such document in 1969 issued an Instruction on this matter, referring to the pope's responsibility for the "universal Church."

3/31/1969 – Vatican Secretariat of State: "In order to discharge diligently his responsibility of keeping watch over the universal Church as well as reduce to practice the indications and proposals of the Second Vatican Ecumenical Council, the Supreme Pontiff, Paul VI, has not neglected to turn his attention also to certain external forms of ecclesiastical life so that he can also adjust them better to the

changed circumstances of the times... "[12] 7. Division of Two Congregations of the Roman Curia. In 1969 Pope Paul VI divided the Congregation of Rites into two Congregations: the Congregation for Divine Worship and the Congregation for Causes of the Saints. The following

The Canon Law Digest, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 891.

Illinois: Chicago Province S.J., 1975) 137.

5/8/1969 – Pope Paul VI: Apostolic Constitution *Sacra Rituum*: "The Sacred Congregation of Rites which was established in the year 1588 by Our predecessor of happy memory, Sixtus V, has had from its outset a double function, namely, first to have charge of and to regulate the sacred rites of the Latin Church; secondly, to carry out throughout the whole Church everything which in any way pertained to the canonization of saints. This second function was entrusted to the Sacred Congregation of Rites for the reason that causes of canonization always envisaged the fact that Servants of God enrolled in the calendar of saints would be honored with public veneration throughout the universal Church."<sup>[13]</sup>

is taken from the apostolic constitution, *Sacra Rituum*. In it Pope Paul refers to ministry "throughout the whole Church" as affecting the "universal Church."

5/15/1969 – Congregation for Divine Worship: "Among the principal objectives which the Church's pastoral activity proposes to itself is the education of the faithful to take a greater part in the ecclesial community so that each one may be actively associated in celebrations, especially liturgical, with his brethren in the communion of both the universal and the local church ...

d) In the homily the priest should make reference to this special celebration and bring out the ties existing between the group actually assembled there and the local and the universal Church."<sup>[14]</sup> 8. Small Group Masses. The Congregation for Divine Worship issued an instruction on arranging celebrations of the Eucharist for small groups as part of the Church's outreach in the local area and throughout the "universal Church" to individuals and communities. 9. Distributing Holy Communion. Vatican Council II established conferences of bishops throughout the world, usually coextensive with a nation or several nations. Certain practices in the liturgy were left up to those episcopal conferences to work out with the approval of the Holy See. The following document notes that this process balances the differences of the local areas with the unity of the Church throughout the world, "The Church universal."

O'Connor, S.J. (ed.), *The Canon Law Digest*, vol . 7 (Chicago, Illinois: Chicago Province S.J., 1975) 637,640.

5/29/1969 – Congregation for Divine Worship: "In these cases, moreover, in order to have correct regulation of such usage, the episcopal conferences, after previous prudent examination, shall hold timely deliberations which are decided by approval passed by a two-thirds majority of secret votes.

These deliberations will then be proposed to the Holy See for the necessary confirmation, together with an accurate exposition of the reasons which moved the conference to taking the decisions. The Holy See will carefully examine each case and not forget that bond of union which exists in the various local churches for their own benefit or between each one of them and the Church universal, for the promotion of the common good and the common upbuilding and for the increase of faith and piety which flow from mutual example.<sup>[15]</sup>

12/6/1969 – Congregation for Bishops: "Just as the Roman Pontiffs have been especially solicitous for the prosperity of the universal Church, so also have they been for the benefit of the particular churches. They have diligently provided that the list of privileges and faculties for bishops should be set forth in better form so that they can discharge their pastoral duties more efficiently and expeditiously."<sup>[16]</sup>

2/3/1970 – Pope Paul VI: "For Our part, We desire more than ever to seek with the pastors of the dioceses of the Low Countries the means to resolve their problems in an appropriate way in the mutual consideration of the good of the entire Church. Therefore, We deem it above all necessary, Lord Cardinal, to assure the bishops,

II .Priestly Celibacy. The following document is a letter addressed by Pope Paul VI to the Vatican Secretary of State, John Cardinal Villot, reaffirming for the Catholic of Holland the Church's commitment to priestly celibacy and its importance for the "universal Church," a phrase he uses as an alternative to "the entire Church."

the priests and all the members of the Catholic community of Holland of Our constant affection but, at the same time, of Our conviction that it is indispensable to reconsider in the light of the reflections set forth above and in the spirit of an authentic ecclesial communion, the wishes they have expressed and the attitude they have adopted in a question of such serious import for the universal Church."<sup>[17]</sup>

1. The Ministry of Priests. The Congregation for Divine Worship, issued an instruction, explaining and applying the principles expressed in Vatican Council II to the ministry of priests, emphasizing that their concern must not be simply local but in union with the Church throughout the world, the "universal Church."

9/5/1970 – Congregation for Divine Worship: "For the ministry of the priest is the ministry of the universal Church and, therefore, cannot be exercised except through obedience and communion with the hierarchy and with the aim of serving God and the brethren."<sup>[18]</sup> 2. Doctors of the Universal Church. St. Teresa of Avila and St. Catherine of Siena were named "doctors of the universal church" in 1970.

9/27/70 – Pope Paul VI: conferred the title of "doctor of the universal church" on St. Catherine of Siena.

10/4/1970 – Pope Paul VI: conferred the title of "doctor of the universal church"

on St. Teresa of Avila.<sup>[19]</sup> 3. Retirement Age for Cardinals. With the establishment of norms for the retirement of diocesan bishops and pastors pursuant to the direction of Vatican Council II, Pope Paul VI issued a document (*Ingravescentem aetatem*) applicable to Cardinals, setting an age limit for their exercise of major functions. He notes that the office of Cardinal is extremely important for the "whole Church," i.e. for the "Church universal."

AAS 62-692. See James I. O'Connor, S.J. (ed.), *The Canon Law Digest*, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 43 .

I. O'Connor, S.J. (ed.) , *The Canon Law Digest*, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 831.

11/21/1970 – Pope Paul VI: "Now, however, it seems to Us that the highest good of the Church demands that advancing age also be considered relative to the distinguished office of the cardinals to which We not once only have devoted special attention. As a matter of fact, it is an office which has especially serious functions and demands great prudence both because of its altogether unique connection with Our own very high function relative to the service of the whole Church and because of the very great importance which, when the Apostolic See is vacant, accrues to the said office for the Church universal.<sup>[20]</sup> 4. Regionalization of Tribunals. The Apostolic Signatura is the highest tribunal in the Catholic Church. It governs the functioning of all tribunals throughout the world, from those at the level of the Vatican to diocesan tribunals at the local level. The following document encourages the merging of local tribunals into regional entities that can be better staffed and more efficient for the administration of justice throughout the "universal Church."

12/28/1970 – Apostolic Signatura: "It is in this kind of spirit that this Supreme Tribunal takes this occasion earnestly to exhort local Ordinaries once again to consider whether that unification of tribunals which, in the words of the Supreme Pontiff, has already been 'most providentially' established in many regions, should also be introduced in their region so that the administration of justice in the universal Church, especially as regards matrimonial matters, may tum out to be speedier and better for the salvation of souls..."<sup>[21]</sup>

4/24/1971 – Congregation for Evangelization:

"B) The Universal Church and the Particular Church. It happens, therefore, that in the entire world there are born and grow particular churches since it is in them and through them that the Church can gather into catholic fullness the persons, the 5. Directives for the Activity of the Congregation for the Evangelization of Nations. In 1971 directives were developed to clarify the scope and direction of the Congregation for Evangelization. These were approved by the plenary assembly of the Congregation at their meeting of 3/30/71-4/2/71. A major topic in the document is the relationship of the "Universal

Church" to the local or "Particular Churches" throughout "the entire world," the very title of section "B" of the directives and a major distinction drawn by the document.

(Chicago, Illinois: Chicago Province S.J., 1975) 143.

groups of mankind, and the peoples with their cultures, their languages, and their customs. On the other hand, these particular churches are truly the Church only in the degree in which they take up, in their particularity, the vocation of announcing to all the faith of the Church Universal.

Relations between the Church Universal and the Particular Churches from the missionary point of view...

With regard to missionary activity, it will also be useful to give precision to a number of notions such as "Church Universal," "Particular Church," "communion," "cooperation with corresponding reciprocity," "co-responsibility," and "subsidiarity."<sup>[22]</sup> 6. Synod of Bishops. The second assembly of the Synod of Bishops met in 1971.

Among its considerations it issued a document on the Priesthood, in which it stressed that priests must be aware of their service to "the total Church," i.e., the "universal Church." The Synod also noted that it was within the power of the Pope to approve the ordination of married men for the "good of the universal Church."

11/30/1971 – Synod of Bishops: "Even if a priest exercises his ministry in a particular community, nevertheless, he cannot be exclusively intent upon a single group of the faithful. His ministry always tends to the unity of the total Church and to the gathering of all peoples into her. Each single community of faithful needs communion with the bishop and with the universal Church. In this way the priestly ministry is also essentially communitarian within the presbyterate and with the bishop who, maintaining communion with the successor of Peter, is engrafted into the body of bishops..."

f) Ordination of married men. Two formulae were proposed for the vote of the Fathers: Formula A: Always without prejudice to the right of the Supreme Pontiff, the ordination of married men as priests is not admitted, not even in special cases. Formula B: It belongs to the Supreme Pontiff alone, in special cases, because of pastoral needs and in view of the good of the universal Church, to allow ordination as priests to married men who, however, are of rather advanced age and of upright life.<sup>[23]</sup>

(ed.), The Canon Law Digest, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 351,361.

12/30/1971 – Signatura Apostolic: "It is clear that a particular or local church cannot act against the mode of action and the doctrine of the Church Universal by taking account only of the particular church where the one, holy, catholic and apostolic Church is present and active. Even if pluralism is admitted in

so many areas, there remain essential points in which no particular church is permitted to separate itself from

the Church Universal and from other particular churches.<sup>[24]</sup> 7. Nature of Marriage. Commenting in a private reply on certain propositions put forth by local churches about marriage and relying on canon 1013 of the 1917 Code of Canon Law, the Supreme Apostolic Signatura, the Church's highest tribunal, noted that all actions at the local or particular church level must maintain unity with the "Church Universal."<sup>[11]</sup> 8. Celebration of Mass. In the following document, the Secretariat for Christian Unity addressed the "universal" aspect of the celebration of the Eucharist as the context for the admission of baptized Christians who are not members of the Catholic Church.

6/1/1972 – Secretariat for Christian Unity: "The celebration of Mass, as the action of Christ and of the People of God hierarchically arranged, is the center of all Christian life for both the universal and the local Church and for the individual member of the faithful. 11 In the sacrifice of the Mass the Church, by celebrating the mystery of Christ, celebrates the mystery of her very self and concretely manifests her unity."<sup>[25]</sup>

6/26/1972 – Congregation for the Doctrine of the Faith: "It is the responsibility of this S. Congregation to weigh the alleged reasons and to pass sentence in each instance, with consideration given not only to the spiritual good of the petitioner 9. Laicization of Priests. In 1972 the Congregation for the Doctrine of the Faith issued norms for processing petitions on the part of priests to be returned to the lay state. The document notes that favorable responses to such petitions benefit not only the priest himself but the entire Church, i.e., the "Church universal."

June, 1972, AAS 64-5 1 8. See James I. O'Connor, S.J. (ed.), *The Canon Law Digest*, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 585.

himself, but also to the good of the Church universal, while preserving intact the law of sacred celibacy."<sup>[26]</sup> 10. Liturgy of the Hours for Certain Religious. The Liturgy of the Hours (also called the Divine Office or the Breviary) is a set of prayers offered daily by all priests, deacons and religious men and women. After Vatican Council II, new editions were published. The Congregation for Divine Worship gave direction in the following private response, referring to the Liturgy as the prayer of the "Universal Church."

8/6/1972 – Congregation for Divine Worship: "Lauds as morning prayer and Vespers as evening prayer, the two cardinal points of the daily Office according to the venerable tradition of the universal Church, must be considered as the principal Hours and celebrated as such."<sup>[27]</sup>

12/5/1991 – Congregation for the Doctrine of the Faith and the Pontifical Council for Promoting Christian Unity, *Catholic Response to The Final Report of ARCICI*:

"Relations between our two communions in the past have not encouraged reflection by Anglicans on the positive significance of the Roman primacy in the life of the universal Church. Nonetheless, from time to time Anglican 11. Joint Response on Ecumenism. At times, two or more of the entities of the Roman Curia issue documents jointly that are distributed throughout the world on areas pertinent to their mandates. In the following case, two of these entities, in 1991, jointly issued a document on ecumenism. Ecumenism deals with the relationship of the Catholic Church to other Christian communities throughout the world that are not in union with the Pope. The principal council in this area is the Pontifical Council for Promoting Christian Unity. The Congregation for the Doctrine of the Faith is one of the most pre-eminent Congregations of the Roman Curia. It deals with all matters affecting the Catholic proclamation of the truths of the faith, clarifying the Catholic Church's teaching in every area of Church belief. These two entities collaborated on the following response to an effort to foster greater unity between the Catholic Church and the Anglican Church. The document refers several times to the "universal Church."

theologians have affirmed that, in changed circumstances, it might be possible for the Churches of the Anglican Communion to recognize the development of the Roman primacy as a gift of divine providence-in other words, as an effect of the guidance of the Holy Spirit in the Church" (A II 13)....

#### The Different Levels of Ecumenical Activity

26. The opportunities and requirements of ecumenical activity do not present themselves in the same way within the parish, in the diocese, within the ambit of a regional or national organization of dioceses, or at the level of the universal Church: Can. 904: 1. The undertakings of the ecumenical movement in every Church sui iuris are to be diligently encouraged by special norms of particular law, while the Apostolic Roman See directs the movement for the universal Church. The Ecumenical Commission of Synods of Eastern Catholic Churches and Episcopal Conferences
27. Each Synod of the Eastern Catholic Churches and each Episcopal Conference, in accordance with its own procedures, should establish an episcopal commission for ecumenism, assisted by experts, both men and women, chosen from among the clergy, religious and laity. ... It should take into account the circumstances of place and persons of the territory with whom they are concerned, as well as the concerns of the universal Church. Where the size of an Episcopal Conference does not permit the establishment of a commission of Bishops, at least one Bishop should

be named to assume responsibility for the ecumenical tasks indicated in n. 47.... In the universal Church, the Pontifical Council for Promoting Christian Unity, a dicastery of the Roman Curia, has the competence and the task of promoting full communion among all Christians.

58. The concern for unity is fundamental to the understanding of the Church it

is a profound and active communion of the individual faithful with the universal Church within the particular Church to which he or she belongs."<sup>[28]</sup> 12. Ecclesiology: As was stated above, the Congregation for the Doctrine of the Faith is one of the most important administrative entities of the Roman Curia. Its documents explain in great depth the meaning of the Church and the tenets of the faith professed by Catholics. Shortly after its collaboration published a complete analysis of the relationship of the "Universal Church" and the "Particular Churches" into which it is divided. In this document, the Congregation seeks to show that the "particular Churches" are in communion with each other and therefore that the "universal Church" can be seen as a "body of Churches." At the same time, it is emphasizing that the "universal

Church" has an "ontologically" distinct identity. The following are some relevant sections:

5/28/1992 – Congregation for the Doctrine of the Faith, Letter to the Bishops of the Catholic Church on Some Aspects of the Church Understood as Communion: "II. UNIVERSAL CHURCH AND PARTICULAR CHURCHES

1. The Church of Christ, which we profess in the Creed to be one, holy, catholic and apostolic, is the universal Church, that is, the worldwide community of the disciples of the Lord, which is present and active amid the particular characteristics and the diversity of persons, groups, times and places. Among these manifold particular expressions of the saving presence of the one Church of Christ, there are to be found, from the times of the Apostles on, those entities which are in themselves Churches, because, although they are particular, the universal Church becomes present in them with all its essential elements. They are therefore constituted "after the model of the universal Church," and each of them is "a portion of the People of God entrusted to a bishop to be guided by him with the assistance of his clergy."
2. The universal Church is therefore the Body of the Churches. Hence it is possible to apply the concept of communion in analogous fashion to the union existing among particular Churches, and to see the universal Church as a Communion of Churches. Sometimes, however, the idea of a "communion of particular Churches" is presented in such a way as to weaken the concept of the unity of the Church at the visible and institutional level. Thus it is asserted that every particular Church is a subject complete in itself, and that the universal Church is the result of a reciprocal recognition on the part of the particular Churches. This ecclesiological unilateralism, which impoverishes not only the concept of the universal Church but also that of the particular Church, betrays an insufficient understanding of the concept of communion. As history shows, when a particular Church has sought to become self-sufficient, and has weakened its real communion with the universal Church and with its living and visible centre, its internal unity suffers too, and it finds itself in danger of losing its own freedom in the face of the various forces of slavery and exploitation.

3. In order to grasp the true meaning of the analogical application of the term communion to the particular Churches taken as a whole, one must bear in mind above all that the particular Churches, insofar as they are "part of the one Church of Christ," 38 have a special relationship of "mutual interiority" 39 with the whole,

that is, with the universal Church, because in every particular Church "the one, holy, catholic and apostolic Church of Christ is truly present and active." 4 ° For this

reason, "the universal Church cannot be conceived as the sum of the particular

Churches, or as a federation of particular Churches." It is not the result of the communion of the Churches, but, in its essential mystery, it is a reality ontologically and temporally prior to every individual particular Church.

Indeed, according to the Fathers, ontologically, the Church-mystery, the Church that is one and unique, precedes creation, and gives birth to the particular Churches as her daughters. She expresses herself in them; she is the mother and not the product of the particular Churches. Furthermore, the Church is manifested, temporally, on the day of Pentecost in the community of the one hundred and twenty gathered around Mary and the twelve Apostles, the representatives of the one unique Church and the founders-to-be of the local Churches, who have a mission directed to the world: from the first the Church speaks all languages.

From the Church, which in its origins and its first manifestation is universal, have arisen the different local Churches, as particular expressions of the one unique Church of Jesus Christ. Arising within and out of the universal Church, they have their ecclesiality in it and from it. Hence the formula of the Second Vatican Council: The Church in and formed out of the Churches (*Ecclesia in et ex Ecclesiis*), is inseparable from this other formula: The Churches in and formed out of the Church (*Ecclesiae in et ex Ecclesia*). 45 Clearly the relationship between the universal Church and the particular Churches is a mystery, and cannot be compared to that which exists between the whole and the parts in a purely human group or society. 4. Every member of the faithful, through faith and Baptism, is inserted into the one, holy, catholic and apostolic Church. He or she does not belong to the universal Church in a mediate way, through belonging to a particular Church, but in an immediate way, even though entry into and life within the universal Church are necessarily brought about in a particular Church. From the point of view of the Church understood as communion, this means therefore that the universal communion of the faithful and the communion of the Churches are not consequences of one another, but constitute the same reality seen from different viewpoints.

Moreover, one's belonging to a particular Church never conflicts with the reality that in the Church no-one is a stranger: each member of the faithful, especially in the celebration of the Eucharist, is in his or

her Church, in the Church of Christ, regardless of whether or not he or she belongs, according to canon law, to the diocese, parish or other particular community where the celebration takes place. In this sense, without impinging on the necessary regulations regarding juridical dependence, whoever belongs to one particular Church belongs to all the Churches; since belonging to the Communion, like belonging to the Church, is never simply particular, but by its very nature is always universal.

III. COMMUNION OF THE CHURCHES, EUCHARIST AND EPISCOPATE 5. Unity, or communion, between the particular Churches in the universal Church, is rooted not only in the same faith and in the common Baptism, but above all in the Eucharist and in the Episcopate For this reason too, the

existence of the Petrine ministry, which is a foundation of the unity of the Episcopate and of the universal Church, bears a profound correspondence to the eucharistic character of the Church.

13. The Bishop is a visible source and foundation of the unity of the particular Church entrusted to his pastoral ministry. But for each particular Church to be fully Church, that is, the particular presence of the universal Church with all its essential elements, and hence constituted after the model of the universal Church, there must be present in it, as a proper element, the supreme authority of the Church: the Episcopal College "together with their head, the Supreme Pontiff, and never apart from him." The Primacy of the Bishop of Rome and the episcopal College are proper elements of the universal Church that are "not derived from the particularity of the Churches," but are nevertheless interior to each particular Church. Consequently "we must see the ministry of the Successor of Peter, not only as a 'global' service, reaching each particular Church from 'outside', as it were, but as belonging already to the essence of each particular Church from 'within'." Indeed, the ministry of the Primacy involves, in essence, a truly episcopal power, which is not only supreme, full and universal, but also immediate, over everybody, whether Pastors or other faithful. The ministry of the Successor of Peter as something interior to each particular Church is a necessary expression of that fundamental mutual inferiority between universal Church and particular Church.

14. For a more complete vision of this aspect of ecclesial communion-unity in diversity-one needs to bear in mind that there are institutions and communities established by the Apostolic Authority for specific pastoral tasks. They belong as such to the universal Church, though their members are also members of the particular Churches where they live and work. ...

Since, however, communion with the universal Church, represented by Peter's Successor, is not an external complement to the particular Church, but one of its internal constituents, the situation of those venerable Christian communities also means that their existence as particular Churches is wounded. The

wound is even deeper in those ecclesial communities which have not retained the apostolic succession and a valid Eucharist. This in turn also injures the Catholic Church, called by the Lord to become for all "one flock" with "one shepherd," in that it hinders the complete fulfillment of its universality in history.

In this way the bishops will be better able to carry out their mission to be moderators and promoters of liturgical life in their own dioceses, within the framework of the norms in force in the universal Church.

2/22/1998: Congregation for the Clergy, Directory for the Ministry and Life of Permanent Deacons: "27... Deacons are ministers of the Church and thus, although incardinated into a particular Church, they are not exempt from the missionary obligation of the universal Church. Hence they should always remain open to the *missio ad gentes* to the extent that their professional or – if married – family obligations permit." [29] 13. Cardinal Joseph Ratzinger. The above two documents on (1) ecumenical matters and (2) the Church as communion were very much the product of the work of Cardinal Ratzinger (who was later elected Pope, taking the name Benedict XVI). Pursuant to these and other documents, quite a debate arose among theologians about these issues (all of whom commonly used "universal Church" as a generic concept). As part of the debate Cardinal Ratzinger wrote an article in *America* magazine defending his exposition and responding to an article by Cardinal Walter Kasper, which itself was commenting on a document issued earlier by the Congregation for the Doctrine of the Faith. All three documents analyzed at great length "Universal Church" as a concept distinct from, yet related to, "Particular Church" or "Local Church."

11/19/2001 – Cardinal Ratzinger: Of the many references to "universal church" in his article, one of the most telling is Cardinal Ratzinger's articulation of "the principle that the universal church (*ecclesia universalis*) is in its essential mystery a reality that takes precedence, ontologically and temporally, over the individual local churches." [30]

3/29/1994 – Congregation for Divine Worship, Fourth Instruction for the Right Application of the Conciliar Constitution on the Liturgy, on Inculturation and the Roman Liturgy: "26. The Church of Christ is made present and signified in a given 14. Worship. Another entity of the Roman Curia, dealing with liturgical worship, issued an instruction, explaining and commenting on the Constitution on the Liturgy, which had been previously promulgated by Vatican Council II. It too draws the distinction between the "universal Church" and the "particular or local Churches" that make up the "universal Church."

place and in a given time by the local or particular churches, which through the liturgy reveal the Church in her true nature. That is why every particular church must be united with the universal Church, not only in belief and sacramentals, but also in those practices received through the Church as part of the uninterrupted apostolic tradition." [31] 15. Seminary Formation of Clergy. That very same year, another entity of the Roman Curia referred to the universal Church in a document about those who teach in

seminaries throughout the world, preparing candidates for priesthood.

11/4/1994 – Congregation for the Clergy, Directives Concerning the Preparation of Seminary Educators: "The superiors (or administrators) and teachers placed at the service of seminaries are therefore the closest collaborators of the bishop in his responsibility to form the clergy of his diocese.... Therefore they carry out an eminently ecclesial service characterized by fraternal relations, by collaboration with colleagues and by hierarchical dependence on the local bishop, in communion with the Supreme Pontiff, sincerely heeding his directives for the universal Church."<sup>[32]</sup>

May-June 1996- Whitehead: Whitehead argues that the "proper name fo the

universal Church is not the Roman Catholic Church The proper name of the Church, then, is the Catholic Church... . . . The entity in question, of course, is just that: the very visible, worldwide Catholic Church..." He then clarifies his vocabulary by referring back to the earliest days of the Church: "The term 'catholic' simply means 'universal,' and when employing it in those early days, St. Ignatius of Antioch and St. Polycarp of Smyrna were referring to the Church that was already 'everywhere,' as distinguished from whatever sects, schisms or splinter groups might have grown up here and there..." This Church was "catholic" insofar as it "was destined to be 'universal' in time as well as in space..." This is why, at the first ecumenical Council of Nicaea in Asia Minor in 325 a.d., the bishops 16. The Church's Proper Name. In 1996 Kenneth Whitehead wrote a piece about the proper title for the "Catholic Church." In doing so he uses the phrase "universal Church" generically to refer to the Church throughout the world, inclusive of not only Latin-rite Churches but of all the Eastern Catholic Churches as well e. L. . Byzantine, Chaldean, Maronit e) .

legislated "quite naturally in the name of the universal body they called in the Council of Nicaea's official documents 'the Catholic Church.'"<sup>[33]</sup> 17. Promoting Christian Unity with all the Churches. In 1998 the Council dealing with ecumenism relied on the same distinction between local or particular Churches and the universal Church.

3/9/1998 – Pontifical Council for Promoting Christian Unity, Study Document entitled The Ecumenical Dimension in the Formation of Pastoral Workers: "We confess in the Creed one, holy, catholic and apostolic Church. In this ecclesiological context, the following subjects will be explored:

10. In fact, in the proper sense, sister Churches are exclusively particular Churches ( or groupings of particular Churches; for example, the Patriarchates or Metropolitan provinces) among themselves. It must always be clear, when the expression sister Churches is used in this proper sense, that the one, holy, catholic and apostolic Universal Church is not sister but mother of all the particular Churches. "<sup>[34]</sup>

11. Canonization of the Saints. Still another entity of the Roman Curia issued a document on martyrdom in which it distinguished the universal Church and the particular Churches.

12/28/1999 – Congregation for Causes of Saints, Note Concerning Martyrs and Witnesses of the Faith: "In the spirit of this recommendation, the Apostolic See has brought up to date the martyrology of the universal Church, and in the particular Churches an effort is being made to compose a list of the local witnesses of the faith by collecting the useful documents for the preservation of their memory."<sup>[35]</sup> 19. Conference of Bishops. Particular Churches (dioceses) are grouped together into Regions around the world. A region is usually more or less coextensive with the country in which the dioceses are located, as it is for the United States. The Bishops of the Region form a "Conference." At one time, the Conference here in the United States was referred to as the "National Conference of

Catholic Bishops" (NCCB). Today its proper title is the "United States Conference of Catholic Bishops" (USCCB). The following document was issued by the NCCB in 2000 to address Church teaching at the local level by applying the guidelines issued at the level of Rome for the "universal Church."

6/16/2000 – National Conference of Catholic Bishops (NCCB), In Support of Catechetical Ministry: "We celebrate the vision of harmony for catechesis formed by the documents of the Second Vatican Council, the Catechism of the Catholic Church and the General Directory for Catechesis. Together these documents of the universal church provide catechists and the community of faith with a spirit of renewed mission ... "<sup>[36]</sup>

## **THE CODES OF CANON LAW**

The Code of Canon Law, promulgated on January 25, 1983, is the principal legislation for the Latin-rite Catholic Church. Its complementary text is the Code of Canons for the Eastern Churches, which was promulgated on October 18, 1990 .<sup>[37]</sup>

1/25/1983 – Pope John Paul II: "...the Code manifests the spirit of this council in whose documents the Church, the universal 'sacrament of salvation'.. .is presented as the people of God... " He also referred specifically to "the doctrine in which the Church is seen as a communion and which therefore determines the relations which are to exist between the particular churches and the universal Church ... "<sup>[1138]</sup>

1. John Paul II, Decree of Promulgation. Throughout these Codes the notion of the "universal church" is emphasized, especially as distinct from the "particular or local Churches." When John Paul II promulgated the Code of Canon Law in 1983, he himself used this concept from the documents of Vatican Council II to speak of the entire Church as "universal."

2012); and Code of Canons of the Eastern Churches: Latin-English Edition (Washington, D.C.: Canon Law Society of America, 1992). Both Codes are also readily available on the Vatican website: <http://w2.vatican.va/content/vatican/en.html>.

English Edition, *op.cit.*, xxviii, xxx.

Canons 368-374. Canons about "particular churches," as distinct from the entire or "Universal Church."

Canon 360. "The Supreme Pontiff usually conducts the business of the universal Church by means of the Roman Curia... "

Canon 337 §1. "The college of bishops exercises power over the universal Church in a solemn manner in an ecumenical councilo."

Canon 337 §3. " ... the ways by which the college of bishops is to exercise collegially its function regarding the universal Church."

Canon 346 §1. "The cardinal of the Holy Roman Church... assist the Roman Pontiff especially in the daily care of the universal Church ... "

Canon 336. "The college of bishops ... is also the subject of supreme and full power over the universal Church."

Canon 335. "When the Roman See is vacant. .. nothing is to be innovated in the governance of the universal Church ... "

Canon 333 §1. "The Roman Pontiff... not only has power in the universal Church ... "

Canon 333 §2. "The Roman Pontiff .. is always united in communion with the other bishops and with the universal Church ... "

Canon 331. The Bishop of the Church of Rome is entitled "the Vicar of Christ and Pastor of the universal Church on earth; therefore, in virtue of his office he enjoys supreme, full, immediate and universal ordinary power in the Church ... " 2. Individual Canons. Many individual canons in the Code of Canon Law contain references to "universal church" as a generic concept, to be distinguished from local or particular churches. The following are some examples from the Code for the Latin-rite Church:

## **CATECHISM OF THE CATHOLIC CHURCH**

885. "This college, in so far as it is composed of many members, is the expression of the variety and universality of the People of God..."

886. The college or body of bishops "has 'supreme and full authority over the universal Church...'"

882. "'... and as pastor of the entire Church has full, supreme, and universal power over the whole Church ...'"

883. "... the relationship between the bishop's pastoral responsibility for his particular church and the common solicitude of the episcopal college for the universal Church."

The official Catechism of the Catholic Church, like the Code of Canon Law, contains many references to the "Universal Church." 39 The following are a few examples, referencing the individual paragraphs, which are numbered sequentially from beginning to end:

884. "'The college of bishops exercises power over the universal Church in a solemn manner in an ecumenical council.'"

885. "The bishop of the Church of Rome, successor to St. Peter, is 'head of the college of bishops, the Vicar of Christ and Pastor of the universal Church on earth' (CIC, can. 331)"

886. "'The individual bishops are the visible source and foundation of unity in their own particular Churches.' ... But, as a member of the episcopal college, each bishop shares in the concern for all the Churches. The bishops exercise this care first 'by ruling well their own Churches as portions of the universal Church,' and so contributing 'to the welfare of the whole Mystical Body. which, from

another point of view, is a corporate body of Churches.'"

[http://www.vatican.va/archive/ccc \\_ css/archive/catechism/p123a9p4.htm](http://www.vatican.va/archive/ccc _ css/archive/catechism/p123a9p4.htm).

938. "The Bishops, established by the Holy Spirit, succeed the apostles. They are 'the visible source and foundation of unity in their own particular Churches' (LG 23)."

939. "The Pope enjoys, by divine institution, 'supreme, full, immediate, and universal power in the care of souls' ( CD 2)."

## COMMON PARLANCE

The phrase "universal Church" is not used simply in formal Roman documents. Even in common parlance the phrase is used to underscore the ministry of those who serve at the highest level of the Church's hierarchy as well as to refer in many different areas to the Church as a whole.

2/7/2000: Bishop John Foley, Bishop of Birmingham, Alabama: The letter ends with a characteristic closing phrase in communications between Rome and an individual diocese: "Confident of your pastoral solicitude for the good people of Birmingham in Alabama, and with grateful prayers for your ministry to the universal church, I remain sincerely in Christ."<sup>[40]</sup>

1. Individual Bishop. The following is a letter of the Bishop of Birmingham, Alabama, who used the phrase when responding to a member of the Curia in Rome. This usage is quite common in such letters.

5/24/2004 – Chuck Goudie, Chicago Daily Herald: The writer lists as a prerequisite of Catholic faith that one " ... accept the fact that the pope has been given authority by Christ to rule the universal church ... "<sup>[41]</sup> 2. Authority of the Pope: The term "Universal Church" is commonly used to make reference to the fact that the pope's authority extends, not merely to the Diocese of Rome of which he is the Bishop, but to the whole Church throughout the world. 3. Translation of Latin into English. The following article deals with the kind of unity that should exist in worship translations throughout the world.

4/8/2004 – James Vaznis, The Boston Globe: " ... wouldn't want St. Francis to be used by an organization that says it's Roman Catholic but is not the universal church."<sup>[43]</sup>

4/24/2004 – Bill Tammeus, The Kansas City Star: "...we're not just a collection of national churches. We are one universal church throughout the world."<sup>[42]</sup> 4. Ownership of a parish church. The following article deals with the unity with the universal Church that should exist even in the individual parish. 5. Sunday Worship Notice. The following is simply an ad in a newspaper about the services provided by a local parish church, describing the parish as part of the universal Church.

2/29/2004 – Philadelphia Inquirer: "Some bishops and other church leaders often put what they erroneously believed to be the institutional concerns of the local church above the concerns of the universal church."<sup>[45]</sup>

3/25/2004 – San Jose Mercury News: "St. Anthony Catholic Church, as part of the universal church, ... "<sup>[44]</sup> 6. Local Church and Universal Church. The following article deals with the tension between local concerns and the overall holiness to which the entire Church is called. 7. Clergy Sexual Abuse. The following op-ed piece, written by the president of the Voice of the Faithful, urges the pope, at the universal level, to address the problem by meeting with survivors.

Northwest Section, p. 14.

2/28/2004 – James E. Post, *The Boston Globe*: "The pope must meet with an international delegation of survivors of sexual abuse. Clergy sexual abuse is found throughout the universal church; ..." [46] 8. Hispanic Ministry. The following article argues the Episcopal Church to be true to universality must be inclusive in regard to all ethnic groups.

2/14/2004 – Elaine Rivera, *The Washington Post*: "No one people or ethnic group should lay claim to being the church... A universal church must reflect the multiethnic reality of the community." [47]

2/3/2004 – Sarah Colburn, *St. Cloud Times*: "'... faith in Jesus Christ, his lifelong leadership in promoting rural life and family farming, and his affection for the local and universal Church,' St. Cloud Bishop John Kinney said in a written statement" on the death of Retired Bishop George Henry Speltz. [48] 9. Obituary. The following article deals with the funeral of the retired Bishop of the Diocese of St. Cloud, in which the current Bishop recalls his affection for both the local Church and the universal Church.

Doctor of the Universal Church. Originally, this title was used solely for certain great teachers of the early Church (Fathers of the Church) such as Sts. Gregory the Great, Ambrose, Augustine, and Jerome. The Church officially added other great saints in its history to these original four, including Sts.

Edition, *Prince William Extra*, p. tO I.

2/23/2015 – David B. Barrett, *Catholic Herald*: The subtitle of this article reads: "10th century Armenian mystic, poet and monk St. Gregory of Narek to be a Doctor of the Universal Church." The article begins: "Pope Francis has declared a 10th-century Armenian mystic, poet and monk to be a Doctor of the Universal Church." At the end of the article the author notes that St. Gregory brings the number of Doctors of the Universal Church to thirty-six, only the third to be given this rare honor in this century, following St. John of Avila and St. Hildegard of Bingen (in 2012). [50]

Catherine of Siena (1347-80) and Theresa of Avila (1515-82). The following article deals with the conferral of this special title, "Doctor of the Universal Church," on St. Gregory Narek.

10/1/2013 – "Pope's own G8, with strong mandate, launches study of 'Universal Church' reform . " [51]

Special Council of Cardinals. The following article refers to Pope Francis' formal establishment on September 28, 2013, of a special Council of Cardinals, apart from the established congregations and councils of the Roman Curia to assist him in addressing reform at the level of the "universal Church." The article likens the Council to an ecclesiastical "G8."

CONCLUSION

In light of the above sampling of references — ancient and modern, in ecclesiastical documents and in common parlance — I can state unequivocally, as a theologian and canon lawyer for many years, that the phrase "Universal Church" is a standard, hallowed usage in the Catholic Church as well as in many other Churches to refer to the Church as a world-wide reality.

The phrase dates back nearly 2,000 years to the earliest days of the Church and has been consistently and commonly used throughout the centuries – in Latin and, subsequently, in all modern languages, including English. In modern times, it is a term that has been regularly used to draw a very important theological distinction between the Church as a world-wide entity and "particular" churches such as dioceses and other local representations of the Universal Church.

There is no question that the term "Universal Church" was commonly used prior to the Plaintiff's first known use of the term circa 1978, no less its use in commerce circa 1987. It is a generic usage that is both longstanding and pervasive. The phrase "Universal Church" appears over and over again, in a myriad of contexts and over hundreds of years, as a commonly accepted way of referring to the Church as a whole throughout the world.

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Respectfully submitted,

, ' · 'g r. John A. Alesandro, STL, JCD, JD

Judge-Instructor, Diocese of Rockville Centre

Adjunct Professor of Canon Law, St. John's Law School

March 28,<sup>[2016]</sup>

EXHIBIT A

CURRICULUM VITAE

(As of March 28, 2016)

Judge Instructor, Diocese of Rockville Centre

ialesandro(a).drvc.or!l

Resident: Church of St. Thomas the Apostle 24 Westminster Road

West Hempstead, New York 11552 iohn(a).alesandro.com

MONSIGNOR JOHN A. ALESANDRO, P.A .. S.T.L., J.C.D J.D.

December 17,<sup>[1966]</sup>

May<sup>[1980]</sup>

November<sup>[2002]</sup>

Civil Law

1990-1994

June 1994 Canon Law 1968-1971

June 1971 Theology 1963-1967

June<sup>[1967]</sup>

Philosophy and College (2 years) 1961-1963

June<sup>[1963]</sup>

High School (4 years) and College (2 years) 1955-1961

Elementary School

ORDINATION

St. Peter's Basilica, Rome

PAPAL HONORS

Honorary Prelate of His Holiness Protonotary Apostolic Supernumerary

ACADEMIC BACKGROUND

St. John's University Law School, Jamaica, New York

J.D. , Summa Cum Laude Valedictorian

Gregorian University, Rome, Italy J.C.D., Summa Cum Laude

Gregorian University, Rome, Italy S.T.L., Cum Laude

Seminary of the Immaculate Conception Huntington, New York

B.A, Magna Cum Laude

Cathedral College of the Immaculate Conception Brooklyn, New York (1955-1961)

1947-1955 St. Thomas the Apostle School

Woodhaven, New York

PROFESSIONAL ASSIGNMENTS

## NARRATIVE EXPLANATION

I. I am a Roman Catholic priest, ordained in 1966 in Rome, Italy, for the service of the Diocese of Rockville Centre, New York. I am currently in residence at St. Thomas the Apostle Church in West Hempstead while serving as an adjunct

professor at St. John's Law School in Jamaica, Queens, and as judge-instructor in the Tribunal of the Diocese of Rockville Centre. I recently completed a three-year sabbatical (2008-2011) as a Distinguished Lecturer at the School of Canon Law of The Catholic University of America and have served as adjunct professor at Fordham Law School in New York City and at Molloy College in Rockville Centre. I served as Vicar General and Moderator of the Curia for Bishop McHugh in the year 2000, and, upon his death, as Diocesan Administrator; as Vicar General and Moderator of the Curia for Bishop Murphy for a year and a half. Previously I had served Bishop McGann as Vicar for Administration of the diocese and Episcopal Vicar of the Western Vicariate from 1995 to 2000, as Chancellor from 1978 to 1995, and as a Tribunal Official and later Vice Chancellor for Bishop Kellenberg from 1971 to 1978.

While I have remained involved academically in the field of canon law, my predominant claim to expertise is founded in my years of experience as a practicing canon lawyer. Although I have served as a judge in our annulment tribunal and still serve as an appellate judge in difficult cases and a judge-instructor in special cases regarding the laicization of priests, my main practice over the years has been in diocesan administration. My duties as Vicar General and as Vicar for Administration, and before that as Chancellor, can best be described as those of a general administrative officer for the Diocese. I acted on behalf of the diocesan bishop on the basis of either generally delegated or ordinary (*ex officio*) power. Although small in geographic size, comprising only the counties of Nassau and Suffolk on Long Island, New York, the Rockville Centre diocese has a very large Catholic population (approximately 1.6 million) causing it to rank as one of the largest Catholic ecclesiastical jurisdictions in the United States (along with the major metropolitan archdioceses such as Los Angeles, Chicago, New York and Boston).

1. I was prepared for this type of specialized work by graduate studies in canon law. In 1971, I was awarded a doctorate in canon law *summa cum Laude* at the Jesuit-run Gregorian University in

Rome. At that time, the applicable Code of Canon Law was the 1917 Code. That Code of Canon Law was extensively revised after the Second Vatican Council and a new version was promulgated and went into effect in 1983. I was very involved in the revision process.

2. Since 1971, I have been very active in the field of canon law. Among my activities, the following may point up some of my background:
3. Beginning in December 1975 I served as a consultant to the Canonical Affairs Committee of the National Conference of Catholic Bishops (NCCB) in Washington, D . C. Approximately five consultants are appointed for a three-year term by the bishop who chairs the committee. I served seven consecutive terms.
4. In 1981 I was appointed by the President of the NCCB to serve as the expert canonist for the American members of the Pontifical Commission for the Revision of the Code of Canon Law. I assisted Cardinal Krol and Archbishop Bernardin at the final plenary session of the International Commission in Rome (Cardinal Cody, also a member was unable to attend the plenary session because of ill health; he died shortly thereafter). My representation of the NCCB, particularly in dialogue with the Holy See, has continued to the present day. In 1993 I served as a member of the joint committee commissioned by the Holy Father to deal with canonical issues in the area of sexual abuse, which led to special derogations of the Code of Canon Law. Beginning in 1998, I was named a member of the subcommittee charged with drafting the Application of Ex corde Ecclesiae for the United States, a document subsequently approved by the Apostolic See and still in effect in regard to Catholic colleges and universities in the United States.
5. Upon the promulgation of the revised Code of Canon Law in 1983, I collaborated with other members of the Canon Law Society of America in producing a major commentary in English on the revised Code. In that Commentary, I authored the General Introduction and the article on Diocesan Governance.
6. Since 1971 I have been a member of the Canon Law Society of America which is a national professional society of Catholic canon lawyers. I have held many positions in the Society. I was the chairman of the Research and Discussion Committee and chairman of the Marriage Research Committee and more recently chaired the Publications Task Force and the newly established Publications Advisory Board. Most recently, I have been the project manager for the initiation of the CLSA's web-based Canonical Research Database. From 1975 to 1980, I served as a member of the Board of Governors of the Society, as a consultant, vice president, president, and past president. In 1986 I was awarded the Society's Role of Law award.
7. Since 1971 I have also been a member of the Catholic Theological Society of America. I hold a Licentiate in Sacred

Theology (S.T.L.) from the Gregorian University, Rome, Italy, a graduate degree which is somewhat similar to a master's degree in an American university. I have also served as a consultant to the Doctrine Committee of the NCCB in the preparation of a major NCCB document on the doctrinal responsibilities of the diocesan bishop. 6. I have taught theology and canon law at Immaculate Conception Seminary in Huntington, New York, and in July<sup>[2007]</sup>

and 2008 at the School of Canon Law at Catholic University of America in Washington, D.C. , where, in 2009, I was named Distinguished Lecturer. 7. Since Spring 2010 I have also taught comparative law courses (canon law and American law) in New York City at

Fordham Law School and at St. John's Law School. 8. My canonical work as judge-instructor of the Diocese of Rockville Centre consists of preparing cases for submission to Rome regarding the laicization of priests in accordance with special faculties given to the Vatican Congregation for the Clergy. I also serve as a judge on appellate cases, both contentious and penal. 9. I have given numerous workshops and written many monographs and articles in the field of canon law. Below is a complete list of my publications and presentations:

3. In addition to my background and training in canon law, I also graduated summa cum laude from St. John's University Law School in 1994. I pursued these studies insofar as my canon law practice increasingly involved me in comparative law – i.e. , the interrelation of canon law and civil law. In my "General Introduction" to the Canon Law Commentary mentioned above, I dedicated a significant section to this specific topic. In 1985 I was appointed by Governor Mario Cuomo as one of the original members of the New York State Task Force on Life and the Law, serving until 2007. This group, which continues its work today, studies the very difficult legal, moral and professional challenges associated with beginning-of-life and end of- life questions. It has issued many reports and successfully proposed many bills to the New York State Legislature, all of which are now law, including the Health Care Proxy Law which has been a model for many other states. In the last four years I served as an expert in canon law in a civil case, providing the Superior Court , Judicial District of Waterbury , Connecticut, with a video conference deposition (Jane Doe v. Hartford Roman Catholic, et al., Docket No. X10-UWY-CV- 10-5015963 – S, 1/27/2014).

1. O. Faculties for Bishops. Fifty years ago, it was the practice to grant special faculties to groups of bishops throughout the world to facilitate their pastoral ministry. These were updated and renewed every ten years. In the following document from the Congregation for Bishops, the pope's ministry to the Church throughout the world, the "universal Church," is compared to the bishop's ministry for his local or "particular" church.
2. For a detailed study of the Decretum Gelasianum, see: Ernst von Dobschütz, *Das Decretum Gelasianum de libris recipiendis et non recipiendis in kritischem Text herausgegeben und untersucht von Ernst von Dobschütz* (Leipzig: J.C. Hinrichs, 1912).
3. 1 See AAS 87 (1995) 288-314.
4. Treatise On the Kingdom of Jesus, Para. 3,4: Opera omnia I, 310 – 312 [trans. from Latin]. See: St. John Eudes, *The Life and the Kingdom of Jesus in Christian souls: a treatise on Christian perfection for use by clergy or laity*, trans. from the French by a Trappist father in the Abbey of Our Lady of Gethsemani, introd. by Fulton J. Sheen (New York: P.J. Kenedy, 1946).
5. 1 See News – <http://www.euronews.com/2013/10/01/pope-s-02n-g8-with-strong-mandate-launches-study>.
6. See: <http://www.catholic.com/encyclopedia/ad-universalis-ecclesiae>.
7. See "Pope John's Announcement of an Ecumenical Council": <http://www.vatican2voice.org/91/docs/announcement.htm>.
8. Pope Paul VI, Ap. Const. Regimini Ecclesiae universae, 15 August 1967, AAS 59-885. See T. Lincoln Bouscaren,
9. S. C. Gent. Evang., 26 February 1968, Prot. No. 1477/68. See James I. O'Connor, S.J. (ed.), *The Canon Law*
10. Pope Paul VI, motu proprio Romanae diocesis, 30 June 1968, AAS 60-377. See James I. O'Connor, S.J. (ed.),
11. S. C. Gent. Evang., Cooperation Between Bishops and Pontifical Missionary Works, 24 Feb., 1969, AAS 61-276. See James I. O'Connor, S.J. (ed.), *The Canon Law Digest*, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 840.
12. Sec. St., 31 Mar., 1969, AAS 61-334. See James I. O'Connor, S.J. (ed.), *The Canon Law Digest*, vol. 7 (Chicago,
13. Pope Paul VI, Sacra Rituum, 8 May, 1969, AAS 61-297. See James I. O'Connor, S.J. (ed.), *The Canon Law Digest*, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 238.
14. S. C. Cult. Div., Actio pastoralis, Masses for Special Groups, 15 May, 1969, AAS 61-806. See James I.
15. S. C. Cult. Div., Instruction on the Manner of Distributing Holy Communion, 29 May, 1969, AAS 61-541. See James I. O'Connor, S.J. (ed.), *The Canon Law Digest*, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 851. 16 S. C. Episc, Decennial Faculties for Latin America and the Philippine Islands: Latest Formula, 6 Dec, 1969, AAS 62-120. See James I. O'Connor, S.J. (ed.), *The Canon Law Digest*, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 66.
17. AAS, 3 February 1970, 62-98. See James I. O'Connor, S.J. (ed.), *The Canon Law Digest*, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 99.
18. S. C. Cult. Div., Third Instruction on the Correct Implementation of the Constitution on the Liturgy, 5 Sept., 1970,
19. Pope Paul VI, ap. letter, 27 Sept., 1970, AAS 63-185. Pope Paul VI, ap. letter, 4 Oct., 1970, AAS 63-674. See James
20. Pope Paul VI, 21 November 1970, AAS 62-810. See James I. O'Connor, S.J. (ed.), *The Canon Law Digest*, vol. 7
21. Sig. Apost., Ecclesiastical Tribunals: Status and Activity, 28 Dec, 1970, AAS 63-480. See James I. O'Connor, S.J. (ed.), *The Canon Law Digest*, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 915.
22. S. C. Gent. Evang., Directives, 24 April 1971, Prot. No. 1955/71. See James I. O'Connor, S.J. (ed.), *The Canon Law Digest*, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 231,233.
23. S.C. Pub. Eccl. Neg. norms, Synod of Bishops, 30 November 1971, AAS 63-897. See James I. O'Connor, S.J.
24. James I. O'Connor, S.J. (ed.), *The Canon Law Digest*, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 1013.
25. Sec. Christ. Unit., In quibus rerum circumstantiis, Admission of Non-Catholic Christians to Holy Communion, 1
26. S. C. Doct. Fid., AAS 26 June, 1972, 61-601. See James I. O'Connor, S.J. (ed.), *The Canon Law Digest*, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 214.
27. James I. O'Connor, S. J. (ed.), *The Canon Law Digest*, vol. 7 (Chicago, Illinois: Chicago Province S.J., 1975) 549.
28. See AAS 85 (1993) 238-241 .
29. See AAS 85 (1993) 838-850.
30. See Joseph Ratzinger, "The Local Church and the Universal Church" in America (11/19/2001).
32. See *Origins* 23 (April 28, 1994): 777, 779.
33. See Kenneth Whitehead, "How Did the Catholic Church Get Her Name." in *The Catholic Answer* (Huntington, Indiana: Our Sunday Visitor: May-June 1996): <http://www.ewtn.com/faith/teachings/churb3/htm>.
34. See <http://w2.vatican.va/content/vatican/en.html>.
35. See <http://w2.vatican.va/content/vatican/en.html>.
36. See <http://www.usccb.org/beliefs-and-teachings/how-we-teach/catechesis/upload/in-support-of-catechetical-ministry.pdf>.

- See Code of Canon Law: Latin-English Edition, 2nd printing (Washington, D.C.: Canon Law Society of America ,
38. See John Paul II, Apostolic Constitution *Sacrae Disciplinae Leges*, January 25, 1983, Code of Canon Law: Latin
  39. Pope John Paul II promulgated the Catechism of the Catholic Church on I I October 1992. An English translation of the Catechism, completed by the USCCB in 1994, can be accessed at
  40. See Patrick J. Cogan (ed.), *The Canon Law Digest*, vol. XIV (Washington, D.C.: Canon Law Society of America, 2012) 34.
  41. See Chuck Goudie, *Chicago Daily Herald* (5/24/2004) News Section, p. 13.
  42. See Bill Tammeus, "Theologians and clerics debate how close English Mass should hew to Latin," *Kansas City Star* (4/24/2004) General Section, p. 1.
  43. See James Vaznis, "Lawsuit raises question: Who owns a church"," *The Boston Globe* (4/8/2004) *Globe*
  44. See Church Notice, "Where We Worship," *San Jose Mercury News* (3/25/2004) LGI Edition, LG, p. 10.
  45. See "The Church must be holy," *Philadelphia Inquirer* (2/29/2004) Sunday City-D Edition, National Section, p. A06.
  46. See James E. Post, "Fix the Church in the Name of Hope," *The Boston Globe* (2/28/2004) *Globe* Third edition, Op-Ed section, p. A1 7.
  47. See Elaine Rivera, "Hispanic Episcopalians Poised to Make History," *The Washington Post* (2/14/2004) Final
  48. See Sarah Colburn, "Former St. Cloud bishop dies," *St. Cloud Times* (2/3/2004) *World; Nation*, p. IA.
  49. See "Remembering Pope John Paul II (1920-2005)," *American Catholic.org*, <http://www.americancathoic.org/Features,JohnPaulii/obit.asp>.
  50. North Park Avenue Rockville Centre, New York 11570

