News



The Monastery of the Most Holy Trinity, home to the Discalced Carmelite Nuns in Arlington, Texas. (GSR screenshot/CBS News Texas)

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Nestled between a mix of single and two-story houses, the Monastery of the Most Holy Trinity has been home to the Discalced Carmelite Nuns since the 1980s. The south Arlington monastery, tucked behind ranks of trees spread across the property, has recently been a focal point in the ongoing tension between the nuns and the Fort Worth Bishop Michael F. Olson.

Supporters of the Carmelite nuns have accused Olson of seeking to gain control of the monastery, which Olson and the Catholic Diocese of Fort Worth have denied. Religion, civil and canon law experts spoke with the Fort Worth Report to break down how ecclesiastical and secular laws play roles in property laws and religious hierarchy.

Property, civil laws

The Rev. Mother Teresa Gerlach, and supporting members of the chapter of the monastery she has helmed for over two years and a member for almost 25 years, may be facing excommunication from the church. It comes as a result of releasing a statement that they no longer recognize Olson's authority as bishop and forbid him from entering the property.

Matthew Bobo, the nun's civil attorney, told the Report that if Olson were to step on the property, law enforcement would be asked to remove him if he didn't leave voluntarily.

Lawrence Sager is a professor at the University of Texas at Austin's School of Law and specializes in religion and constitutional law. Sager said that disputes over excommunication and religious authority are ecclesiastical, or related to church matters.

"If it becomes a matter of property rights as to the monastery, who owns it and who can make decisions about whether the monastery is open or closed … if it comes to that, then the courts will turn to neutral principles of property law," Sager said.

This means courts will look to see if the Carmelite nuns are registered as a nonprofit corporation under Texas law and if they have deeds to the property, Sager said.

The Discalced Carmelite Nuns are a nonprofit corporation in Texas, said Bobo. The city of Arlington's county clerk's office has a record of deeds of the property.

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Canon, religious laws

Tutti Portwood is an original member and co-founder of The Ladies Auxiliary to the Discalced Carmelite Nuns. When Portwood first heard allegations of Gerlach's civil lawsuit against Olson, she thought Olson might be interested in taking the property.

"That land is very valuable. I believe you cannot convince me otherwise, whether I'm right or wrong, I think the bishop was trying to make a land grab," Portwood said.

The total market value of land is currently over $3.8 million, according to Tarrant Appraisal District data. Portwood said her concerns over the nuns losing the monastery property stems from when the Catholic Diocese of Fort Worth obtained a permit to demolish and sell the property that housed San Mateo Catholic Church in 2016. Parishioners appealed the decision to the Vatican and later reached an agreement to stop the process.

"I just thought, 'Oh, how lucky they (Carmelite nuns) are to have this little spot. It's so quiet. It's so accessible, really, to so many people from the Dallas-Fort Worth area," Portwood said. "And then when this hubbub started, my mind immediately went back to San Mateo."

Sheila Johnson, daughter of late philanthropist Ruth Carter Stevenson and granddaughter of Amon G. Carter, said that her mother bought the land for the monastery, which moved into the Arlington property in 1985. Johnson said her relationship with the Carmelite nuns goes back to the 1960s and remembers visiting the monastery for mass on Christmas Eve.

"She (Stevenson) was very protective of them, and wanted to be sure that nobody could take their property," Johnson said, "She spent her own money and gave them the property outright. So they own it outright, and nobody can take it. I can't even take it."

Olson responded to the accusations in a recorded statement on the Catholic Diocese of Fort Worth's YouTube on June 11 that the donor list, the property and all of the assets of the Carmelite monastery belong to the monastery and are there for "the care and sustenance of the Carmelite community of nuns and for their religious mission."

Olson also testified during a civil court hearing over the lawsuit and restraining order filed against him that he was not pursuing control of the property.

"The land on which the Carmelite monastery is located is owned by the Carmelites, and not Bishop Olson or the Diocese of Fort Worth. All decisions about the use of the land or its future are the responsibility of the nuns of the Carmelite monastery in accord with the norms of canon law. Any claims to the contrary made by the Carmelites or their representatives are simply not true," said a spokesman for the diocese.

Nancy Bauer is a former assistant professor of canon law at the Catholic University of America in D.C. with expertise in consecrated life. Bauer said she couldn't comment specifically about the Carmelite nuns and Olson but, she said that in the Code of Canon Law, property, also called "temporal goods," is owned by the religious institute, like a monastery.

"No individual person owns that property. The monastery owns it, and it's administered by whoever is the superior of the monastery for example," Bauer said.

Temporal goods can range from land, buildings, automobiles and financial resources, Bauer said. When it comes to religious hierarchy, most monasteries of nuns are of pontifical right, Bauer said, which is when religious institutes refer directly to the Holy See or the government of the Roman Catholic Church.

"The Holy See has always had a more protective role in relation to monasteries of nuns. So, most monasteries of nuns are actually pontifical. However, some of them are what we refer to as subject to the vigilance of the diocesan bishop," Bauer said. "He's like any ecclesial connection is a church authority. That's kind of the church representative for that monastery."

Bauer said that it's helpful for religious orders like monasteries to foster friendly relationships with the bishop.

"Bishops are supposed to protect and foster that internal autonomy, not interfere with it and not let others interfere with it," Bauer said. "However, if a bishop would see something harmful going on in a monastery or at a religious institute, even of pontifical right, he could intervene. The first step would be to tell the superior."

While a canonical investigation between the Arlington nuns and Olson is pending in Rome, Sager said that under civil laws the Carmelites could act independently, though it could have lasting impacts on their relationship with the diocese.

"If they have secular independence in effect, in other words, if their nonprofit status is an independent one, or if they can make it that way, and if their ownership is firm, then they can be as independent as they choose to be, although they may suffer consequences within the church," Sager said. "But Texas courts won't touch that. They'll just let all that play out."

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This story appears in the **Arlington Carmelites in controversy** feature series. View the full series.