

Boston archdiocese taxed for shuttered church

G. Jeffrey MacDonald Religion News Service | Oct. 6, 2009

BOSTON -- The Boston archdiocese has suffered a legal setback in its bid to avoid paying taxes on a shuttered church where defiant parishioners have been keeping a round-the-clock vigil for five years.

In a Sept. 28 memorandum, Massachusetts Superior Court Judge Paul Troy indicated the archdiocese must show it plans to sell the St. Frances X. Cabrini Catholic Church and its coveted 30-acre parcel, or else face a six-figure property tax bill from the seacoast town of Scituate.

Troy's decision rebuffed a motion from the archdiocese, which had argued that a requirement to outline its intentions for the property would amount to government interference in religious affairs.

“The objective factor determining whether the Parish property qualifies for the property tax exemption ... is whether the Roman Catholic Archbishop intends to sell the Parish Property,” Troy wrote. “This inquiry does not require the court to delve into the internal affairs of the Roman Catholic archdiocese.”

The ruling exacerbates a difficult situation for the archdiocese, which tried to close the parish as part of a reorganization plan but found its efforts thwarted by the vigil. Moving to sell the property could touch off a high-profile battle with protesting parishioners who are still angry about the church's handling of the clergy sexual abuse crisis.

But the archdiocese isn't giving up. It continues to argue that a property tax exemption for religious organizations should apply unless owners begin actively using their property for non-religious purposes.

“The court ruled on one particular motion. This is not a disposition of the case,” said archdiocesan spokesman Terrence Donilon. “The archdiocese's position remains that the St. Francis X. Cabrini property, owned by the Roman Catholic Church in Scituate, is tax-exempt under applicable law. We are consulting with our attorneys to determine the next step in proceeding with this case.”

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