

US bishops, biblical association in dispute over royalties

Jerry Filteau | Aug. 17, 2010



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WASHINGTON -- Unilaterally ending a relationship that goes back more than four decades, the U.S. Conference of Catholic Bishops has stopped paying the Catholic Biblical Association of America its traditional 25 percent share of royalties for the New American Bible and other publications that use that translation.

The bishops' decision, in effect for the past two years, has deprived the association of hundreds of thousands of dollars -- funds it has used in previous years to support a wide range of biblical scholarship and research in the United States and abroad.

NCR learned of the bishops' action from a Catholic Biblical Association scholar, who wished not to be identified, just before the association's 2010 meeting in Los Angeles in early August.

Since then *NCR* has learned that the association has filed an in-church legal action -- a conciliation process apparently under Canon 1733.1 of the Code of Canon Law -- to seek to reverse the bishops' decision and restore the royalties without going to court over the issue.

For the future, the bishops' conference is seeking to reduce the association's share of New American Bible income from 25 percent of royalties to a lower amount and to put a time limit on them. In the meantime, since 2008 it has halted all royalty distributions to the biblical association entirely. The association is contesting both decisions in the conciliation process.

At stake for the biblical association is not only what Bible scholars can seek as remuneration for their work on a translation project (in this case, not just the minor stipends they received individually for their new Bible translations but mainly the organization that coordinated their work), but also whether they can be assured that prior agreements with the U.S. bishops will continue to be honored.



Immaculate Heart of Mary Sr. Sandra Schneiders of the Jesuit School of

Theology at Santa Clara University in California, who just completed her term as association president at the latest convention, told *NCR* Aug. 5 that the cutoff of royalty payments and the bishops' attempt to reduce them sharply for future years has provoked wide concern among the association's 1,500 members.

"Yes, the bishops need money to carry out their ministry in the church," she said, "but we also need money to carry on our ministry, and it's very important."

Schneiders and the association's executive secretary, Benedictine Fr. Joseph Jensen of The Catholic University of America, said that among other things, the royalties subsidize the publication of *The Catholic Biblical Quarterly* -- which Schneiders described as "probably the premier Catholic biblical journal in the world."

Schneiders said the royalties have also been funding annual visiting professorships by U.S. scripture scholars at the world's two pontifical biblical institutions -- the Pontifical Biblical Institute in Rome and the *École Biblique* in Jerusalem. Such visiting professorships bolster the academic programs at the two universities and at the same time offer leading U.S. scripture scholars invaluable global contacts.

Additionally, the association's Web site advertises four yearly scholarship grants for doctoral students in biblical studies at The Catholic University of America in Washington, the Graduate Theological Union at Berkeley in California, the University of Notre Dame in Indiana, and Fordham University in New York. Each grant is to include full tuition at the institution plus a \$15,500 stipend -- for a probable total of between \$100,000 and \$150,000 a year for the four scholarships combined.

A CBA Memorial Stipends program advertised on the Web site offers up to 12 \$4,000 stipends a year to assist financially needy students who have separate tuition scholarships in doctoral programs of biblical studies, for a total of nearly \$50,000 a year.

Schneiders said that the association also subsidizes attendance to its convention for biblical scholars from abroad, especially from Third World countries, who otherwise could not attend the event -- the world's largest and most diverse annual Catholic gathering of scripture scholars.

The association has also supported archeological digs in the Middle East with the use of royalty funds.

Mary Sperry, associate director for permissions and Bible utilization in the U.S. bishops' publications office, said the budgeted net royalties of the bishops' conference over the past five years have been \$1.38 million in 2006, \$1.5 million in 2007 and 2008, \$1.17 million in 2009 and \$875,000 in the current calendar year.

She said those figures, published in annual reports to the bishops, include not just royalties from the *New American Bible* and related publications, but also from conference publications such as the *United States Catholic Catechism for Adults*, the *National Directory for Catechesis*, and various pastoral statements of the U.S. bishops.

Schneiders told *NCR* she did not know details of which Catholic Biblical Association grant programs have been

suspended, halted or reduced as a result of the royalty cutoff over the past two years. But the effect of the cutoff has certainly been felt widely in association programs, she said.

According to several recent public financial reports made available to *NCR* by an association member, in the last two fiscal years, ending June 30 in 2009 and 2010, doctoral scholarship grants in biblical studies have had to drop drastically -- from a peak of more than \$157,500 in fiscal 2007 to \$53,730 in fiscal 2009 and \$38,400 in fiscal 2010.

Fellowship stipends -- providing living cost support for doctoral candidates in scripture studies who have separate tuition scholarships -- dropped from \$88,000 in fiscal 2008 to \$24,000 in 2010.



Previous funding for archeological digs in the Middle East and

stipends for archeologists have dropped from a high of \$51,000 in fiscal 2007 and 2008 to zero in the most recent fiscal year.

The association's support for visiting professorships at the church's two pontifical biblical institutes, which averaged about \$40,000 a year since 2000, dropped to zero in fiscal 2010.

Schneiders and others referred *NCR* to Jensen, who declined to comment on internal financial details because of the current canonical conciliation process. He said the association's lawyers have advised him not to comment on specifics in light of that process and the possibility of future litigation.

The original royalty agreement -- originally with the National Center of the Confraternity of Christian Doctrine and subsequently with the bishops' conference after the center was disbanded and transformed into an entity of the bishops' conference -- is contained in the minutes of a 1963 meeting of Bishop Charles P. Greco of Alexandria, La., then chairman of the Bishops' Committee of the Confraternity of Christian Doctrine, and staff officials of the national CCD offices.

Participants in that meeting determined that the Catholic Biblical Association -- whose members were then participating in and coordinating the translation that would later come to be called the New American Bible -- would receive 15 percent of royalties received by the center for what was then called the Confraternity Bible until the New American Bible was completed.

After the future New American Bible was published, they decided, the association would get 25 percent of the royalties from it. The other 75 percent would go to the center to further its activities of advancing catechetical and biblical literacy ministries nationwide.

An editor's note at the bottom of the 1963 meeting minutes, by Sulpician Fr. Joseph B. Collins, then director of the center, says, "It was agreed that the royalty will be retroactive to the year after the last check was issued to the scholars [1957]. Fr. Stephen [Hartdegen, a Franciscan and center official] suggested that the check be made payable to the: Final Board of Editors of the Confraternity Version of the Bible."

Over the next five years, the CCD office paid the biblical association a bit more than \$10,000 a year in back

royalties, in addition to new royalty payments, in order to rectify the lack of royalty payments from 1957 until the new agreement in 1963.

In 1974 the center itself was dissolved. It was restructured as a part of the Education Department of what was then the U.S. Catholic Conference (now the U.S. Conference of Catholic Bishops).

In the 35 years since then, the Catholic Conference or its successor, the Conference of Catholic Bishops, has received 75 percent of the royalties from the New American Bible.

In recent years, the bishops' portion of those royalties has been allocated to 'general funds' of the bishops' conference -- meaning that most royalty earnings have gone to administrative or other costs of running the bishops' central offices, and only with rare exceptions have any been allocated to Bible-related projects.

One such exception is when the conference's 2009 Plans and Priorities proposal included an outlay of \$30,000 from an estimated \$2.5 million in royalty revenue to fund a program to promote biblical literacy, promote market usage of the New American Bible and prepare for the expected release of the revised New American Bible within the next year or two. The difference between the \$2.5 million royalties estimate by the bishops' Plans and Priorities Committee and the \$1.17 million estimate for the same year by the Budget and Finance Committee apparently was not noticed by the bishops.

In any case, apart from such exceptions, royalty earnings have ordinarily gone to general administration of the bishops' conference, not to programs aimed at advancing biblical literacy or scholarship.

By contrast, virtually all of the Catholic Biblical Association's allocations of royalty funds go to promoting biblical literacy, scholarship and research.

One of the significant factors in the current conciliation procedure is whether the bishops' conference can exercise ultimate control over allocation of the biblical association's royalty funds to specific programs, according to NCR sources.

In other words, the bishops' conference has been seeking to have joint say over association projects or programs that receive funding from New American Bible royalties.

Such a condition attached to the association's royalty revenue disbursements would mean that the bishops' conference would have a veto power over some projects the association might seek to implement.

When contacted by NCR, Bishop David E. Fellhauer of Victoria, Texas, who is charged with trying to resolve the differences through a conciliation process, said he did 'not feel comfortable about commenting in any way' on the dispute, since it was still in process.

Such a canonical process for extrajudicial dispute resolution is provided for in Paragraph 1 of Canon 1733, which says, 'Whenever a person considers himself or herself aggrieved by a [church official's] decree, it is particularly desirable that the person and the author of the decree avoid any contention and take care to seek an equitable solution by common counsel, possibly using the mediation and effort of wise persons to avoid or settle the controversy in a suitable way.'

Jensen said voluntary due process procedures established in 1972 by the bishops' conference, in consultation with the Canon Law Society of America, were being used to mediate the dispute.

Schneiders noted that in seeking to resolve its differences with the bishops' Administrative Committee by such a conciliation process, the association was following a New Testament injunction -- an apparent reference to

Paul's admonition to Christians in Corinth to try to resolve internal disputes among themselves without resorting to civil courts.

Bishop Donald Trautman of Erie, Pa., a scripture scholar and member of the Catholic Biblical Association, said he hoped the mediation would lead to an agreement that respects the scholarship and the contributions of association members to the development of the New American Bible and its forthcoming revision.

"I'm hopeful the matter can be settled amicably and peacefully," he said.

Bishop Emil Wcela, recently retired auxiliary of Rockville Centre, N.Y., and also a scripture scholar, expressed similar sentiments. He said the association "has been very responsible" in its use of royalty funds to advance biblical scholarship. "I don't see the point," he said, of giving the bishops' Administrative Committee veto power over how some of those funds are used.

[Jerry Filteau is *NCR* Washington correspondent.]

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