

# Court rules against diocese in historic district dispute

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January 7, 2011

SPRINGFIELD, Mass. (RNS) A federal judge ruled that the Roman Catholic Diocese of Springfield must bow to the altar of historic preservation in a dispute over who controls the fate of shuttered church buildings.

The diocese sued the city in federal court after the city council voted to designate the shuttered Our Lady of Hope Catholic Church a historic district, presumably to stymie demolition and maintain a certain amount of control over future plans.

Diocesan officials accused the city of "religious gerrymandering," and said the vote interfered with their constitutional rights by standing in the way of preservation of sacred symbols in and around the building.

In a 56-page ruling issued Tuesday (Jan. 4), U.S. District Judge Michael A. Ponsor ruled in the city's favor while noting the dispute placed at odds religious rights and secular interests.

"This lawsuit places the court at the intersection of two important, protected rights: the right of a religious entity to manage its places of worship ... and the right of the larger community to have a role in the preservation of a beloved landmark that was once a church," the decision reads.

Our Lady of Hope held its last Mass in January 2010. It -- along with dozens of other churches across the region -- fell victim to declining demographics as the diocese closed some parishes and merged others.

Although the diocese never submitted any proposed plans for the site to the Historical Commission, church lawyers initially argued it flew in the face of canon law to even ask. Ponsor disagreed, saying merely asking to review proposals violated no laws.

However, the judge signaled the commission's treatment of future proposals for the site by the diocese could trigger further court action.

"The response of the Historical Commission may change the constitutional picture significantly and entitle (the diocese) to further judicial consideration," the decision said.

The decision did protect religious symbols and stained glass windows that adorn the building, however, which the diocese applauded in a written statement, along with the court's concession that a historic designation created a hardship for the diocese.

Church spokesman Mark Dupont said, that as a practical matter, the diocese will not explore future plans for the site until the Vatican rules on parishioners' appeal of the closing.