



OFFICE OF THE BISHOP

DIOCESE OF BRIDGEPORT

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STATEMENT OF COUNSEL TO THE DIOCESE OF BRIDGEPORT REGARDING CT'S RELIGIOUS CORPORATION STATUTES

Recent statements by elected officials raising questions about the constitutionality of Connecticut's existing religious corporation statutes are misinformed. These statutes have been upheld by Connecticut courts for over a century precisely because they do not entangle the State in religious governance. Rather, they defer to the rules and governance structure adopted by each religious denomination, and thereby respect the religious freedoms of each denomination, as required by the First Amendment and our state Constitution. No court has ever found Connecticut's religious corporation statutes to be unconstitutional.

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**FACT SHEET RE: CONSTITUTIONALITY
OF CT'S RELIG. CORP. STATUTES**

- **Connecticut's existing religious corporation statutes, including those referencing the Roman Catholic Church, are plainly constitutional and require no revision.** They have been upheld by the courts for over a century precisely because they do not entangle the State in religious governance but defer to the rules adopted by each religious group, and thereby respect the religious freedoms of each such group.

- The statements in the media recently that Connecticut's religious corporation statutes violate the Establishment Clause or somehow constitute improper state interference with, or preference for, particular religions, are baseless and ignore decisions of the Connecticut Supreme Court.

- **Connecticut's existing religious corporation statutes are constitutional because they defer to the internal rules established by each denomination to which they apply.** These statutes, including the very statute that this bill would amend, Section 33-279, respect, and do not interfere with, the internal governance structures of the churches to which they apply.

- **Connecticut courts, including our Supreme Court, have upheld the constitutionality of Connecticut's religious corporation statutes in decisions stretching back into the nineteenth century.** Parish of Christ Church v. Trs. of Donations & Bequests for Church Purposes, 67 Conn. 554, 565 (1896); State ex rel. Barry v. Getty, 69 Conn. 286, 287 (1897) (same); Ross v. Ross, No. FA970162587S, 1998 Conn. Super. LEXIS 2248, at *19 (Conn. Super. Ct. June

17, 1998). No Connecticut court has ever suggested that Connecticut's religious corporation statutes are unconstitutional.

- **Connecticut's existing religious corporation statutes are enabling statutes.**

They allow religious groups to organize themselves and hold property as corporations, just like any other private groups. They do not allocate authority within religious groups, specify who can vote, dictate the church's fiscal or administrative decisions, or interfere with the governance structure chosen by each separate denomination. To the contrary, they expressly *defer* to the rules imposed by each denomination.

Examples of this deference in Connecticut's religious corporation statutes

include:

- **Roman Catholic Church.** Under Section 33-281, the corporation shall "be subject to the general laws and discipline of the Roman Catholic Church."
- **Episcopal Church.** Section 33-266 provides that "the manner of conducting the parish, the qualifications for membership of the parish and the manner of acquiring and terminating such membership, the number of officers of the parish, their powers and duties and the manner of their appointment" "shall be such as are provided and prescribed by the constitution, canons and regulations" of the Episcopal Church.
- **Lutheran Church.** Section 33-278b(b) provides that, "[a]ll churches being members of the Lutheran Church in America shall have power to receive and hold by gift, grant or purchase all property, real or personal, according to the constitution, bylaws and constitutional enactments of the Lutheran Church in America and of the synod to which such churches belong and shall have and exercise all the powers of bodies corporate by their trustees."
- **Connecticut's generic religious corporation statutes.** Section 33-264c(c) provides that "[a] religious corporation may, in its charter or bylaw or otherwise, adopt provisions relative to its membership, affairs and government ..."

- **The deference in the existing statutes is not only constitutional -- it is constitutionally mandated.** The First Amendment requires the State to defer to the rules and governance of the Roman Catholic Church, the Episcopal Church, and other churches that have adopted a hierarchical governance structure. Serbian E. Orthodox Church v. Milivojevich, 426 U.S. 696, 724-25 (1976) (“the First and Fourteenth Amendments permit hierarchical religious organizations to establish their own rules and regulations for internal discipline and government, and to create tribunals for adjudicating disputes over these matters. When this choice is exercised and ecclesiastical tribunals are created to decide disputes over the government and direction of subordinate bodies, the Constitution requires that civil courts accept their decisions as binding upon them.”)
- **Connecticut’s existing religious corporation statutes follow the constitutional rule of deference by enabling each denomination to govern itself and hold property for the purposes and in the manner that it sees fit.** The existing statutes further religious freedom by allowing specific religious groups to form legal structures that will facilitate their pursuit of their religious beliefs.
- **The Connecticut Supreme Court stated over a century ago in addressing these statutes:** “[i]t is the settled policy of this State to so frame its legislation that each denomination of Christians may have an equal right to exercise religious profession and worship, and to support and maintain its ministers, teachers and institutions, in accordance with its own practice, rules and discipline; and this policy is *conformable to the provisions of our Constitution.*” Trs. of Donations & Bequests for Church Purposes, 67 Conn. at 565 (emphasis added).

- **The U.S. Supreme Court has likewise made clear that “[a] law is not unconstitutional simply because it *allows* churches to advance religion, which is their very purpose.”** Corp. of Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos, 483 U.S. 327, 337 (1987). All these statutes do is allow the Roman Catholic Church and other denominations to advance the religious beliefs of their members by using the traditions and governance structure they have chosen for that purpose.
- **Similar statutes in other states have been upheld** by the courts against constitutional challenges. See, e.g., St. Matthews Slovak Roman Catholic Congregation v. Wuerl, 106 Fed. Appx. 761, 767, (3d Cir. 2004) (Pennsylvania statute mandating deference by state to Roman Catholic Bishop in church property matters “merely reflects the constitutionally compelled prohibition against state meddling in religious affairs.”).
- **Connecticut’s religious corporation statutes have allowed religious organizations to govern themselves according to their own laws for over a century.** They have withstood challenges in the courts precisely because they further the exercise of religion in accordance with the practices, traditions, and rules of each denomination that chooses to use them. They are plainly constitutional, and the legislature should not tamper with them.