

Memo to Paul Tsongas
From Missy Grealy
Date: August 22, 1980
Subject: Hearing August 25 on Quincy Church

S.2807, which you filed with Senator Kennedy, authorized the Secretary to accept conveyance of the United First Parish Church of Quincy, Massachusetts as part of the Adams National Historic Site.

The site, located just outside Quincy Center, ^(where the church is located) currently includes the Adams Mansion and Beale House, which is occupied, and not open to the public.

The donation of the Church to the federal government would make possible federal assistance for operations, maintenance and badly needed capital improvements.

Brian Donnelly authored the legislation, and the House Interior Committee ~~has~~ passed the bill with an amendment. The full House is expected to ^{act on} approve the bill in the near future.

The problem with the original legislation, which the House Interior Committee sought to correct by way of amendment, ^{stems from} ~~revolves around~~ the constitutional provision dealing with separation of church and state. ~~Which~~ effectively prohibits federal assistance to active churches. ^{provision has been interpreted to}

The Regional office of the National Park Service has been engaged in discussions with church members for some time to try to establish a means by which the church can be properly placed under federal jurisdiction. The NPS has indicated that the church members support the donation of the property "in the belief that they will be permitted to continue to hold religious services and other events at the church". This is simply not possible. The Department of Justice must ultimately decide what level or character of church activity would be permissible (if any), and NPS indications are that we can anticipate a conservative ruling on any proposed cooperative agreement between the church and the federal government for this church (and for several other churches which the NPS is currently seeking clarification for).

NPS testimony will ~~strongly~~ state that "if the structure is expected to remain an active church, or if the congregation expects regular and/or exclusive guaranteed rights to use the church, donation to the federal government would be unacceptable.

The House Interior Committee has sought to clarify this issue by adding an amendment to the bill. The amendment states that prior to conveyance the Secretary of DOI and the Attorney General shall prepare a report for the Congressional Committees of jurisdiction which details the measures they will take to insure that there is no violation of any constitutional provision with respect to separation of church and state.

This amendment was added after we introduced the legislation on the Senate side, and I would advise that we take our own careful look at the amendment and consult with both NPS and DOJ before we either add it on this side or draft alternative language.

Politics:

Donnelly introduced the legislation with the ~~idea~~ knowledge that the bill would not go anywhere until the details of the conveyance were agreed to (although they do not need to be in the law itself). This is front page news in Quincy, with large steering committees and honorary committees (you are a member) involved in the protection of the church. It seemed wise, and still seems wise, to at least introduce the authorizing legislation as a sign of congressional commitment to the concept. It is in no way an endorsement of the church continuing to use the building as an active parish. However, it is an incentive to resolve the issue, especially with the amendment language which calls for a study prior to conveyance. The NPS has not been an adversary on this issue, but they are rightly cautious about taking any action which would be improper, and must ultimately rely on DOJ for a clean ruling on any proposed conveyance plan.

NPS will testify against the bill on the basis of the unresolved church/state issue and also on the question of cost. Privately, NPS has indicated that they would not be in a position to oppose the bill if the church/state problem can be resolved. The bill contains no specified authorization, and seeking an appropriation would obviously be a battle for us to fight in some future year, once all the conveyance problems are resolved.

It is possible that the church will ultimately decide that they would rather remain an active parish than donate their building as a national site. This is really up to them. The NPS has made their position clear, and the church at some point will have to be willing to give up all or a substantial portion of their existing rights.

In terms of our office involvement, I think the important thing is to demonstrate that we were willing to go on the honorary committee, to file legislation and to hold a hearing.

Senator Harold, as you know, has taken the position that we should be able to provide federal assistance without giving up the church as an active parish. I would strongly recommend that we make our position clear in terms of endorsing the conveyance, if it can be done properly in the opinion of NPS and the DOJ.