

# FREEDOM FROM RELIGION *foundation*

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August 7, 2012

**SENT VIA U.S. MAIL AND EMAIL TO** [mayor1@tucsonaz.gov](mailto:mayor1@tucsonaz.gov)

The Honorable Jonathan Rothschild  
Mayor of Tucson  
City Hall  
255 West Alameda Street  
Tucson, Arizona 85701

Re: \$1.1 Million to the Catholic Church

Dear Mayor Rothschild and Council Members:

I am writing to you on behalf of the Freedom From Religion Foundation (FFRF), a national non-profit with more than 18,500 members, including more than 500 members in Arizona and the Valley of the Sun Chapter. We work to uphold the First Amendment by keeping state and church separate, and to educate the public on matters of non-theism.

On July 10, 2012, the Tucson City Council voted 5-2 to use \$1.1 million of taxpayer funds to restore the Marist building owned by the Catholic Church. On behalf of our 18,500 members, we ask the Tucson City Council to reconsider.

We understand that the Marist building has historical value as the tallest unfired adobe building in Arizona. Built in 1915, the mud brick structure was a school until 1968 and then served as church administration offices until 2002, when the church abandoned the building to the elements. The Diocese of Tucson still owns the building but it is now in serious disrepair and in danger of collapsing.<sup>1</sup> It was added to the National Register of Historic Places in August 2011. But as one observer noted, the Marist building is “a structure about which the diocese obviously does not care a whit, having let it sink into terrible disrepair since vacating the premises in 2002.”<sup>2</sup>

But if the City wishes to preserve this history, it cannot do so by aiding the Catholic Church. The Church has deserted its duty as a landowner and community member by allowing this building to fall into disrepair. If the City is to fund a \$1.1 million restoration of the Marist building, it should either require the Church to turn over complete and full ownership to the City and quit all claims to the Marist property or the City should take the property by eminent domain. It is neither appropriate, nor good policy, for the City to spend more than a million dollars to “repair” a church-owned building.

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<sup>1</sup> Tim Vanderpool, “Marist Tempest,” *Tucson Weekly*, July 26, 2012, available at <http://www.tucsonweekly.com/tucson/marist-tempest/Content?oid=3485572>.

<sup>2</sup> *Id.*

Councilman Steve Kozachik correctly observed that the Diocese abandoned its duties as a Tucson property owner by neglecting the property: "The Catholic Church has neglected it for a decade. If they were serious about this building, they could cancel one of their pro-life ad blitzes and pay for it in a heartbeat."<sup>3</sup>

The Diocese's 2011 assets totaled \$15.5 million with \$3.3 million in property.<sup>4</sup> The Diocese can afford to make the repairs, despite the financial hit it took after "100 credible allegations of sexual misconduct with minors made against 26 priests who served in the Diocese over that period of time."<sup>5</sup> As of 2003, nine years ago, the Diocese "had paid out \$2.7 million related to abuse costs, including the settlement of 14 lawsuits for \$1.8 million."<sup>6</sup> Is this really an organization the Tucson City Council should be funding?

The scandals forced the church into bankruptcy, but, according to the National Catholic Register, it is now thriving:

Immediately following the diocese's emergence from bankruptcy, donations to the Annual Catholic Appeal for the Tucson Diocese soared, increasing to \$13.3 million, \$450,000 more than budgeted, between 2004 and 2008. The separate "Our Faith, Our Hope, Our Future" campaign, intended to restore diocesan funding for Catholic Community Services, Catholic schools, clergy retirement and religious-education programs, attracted 17,209 donors. Their contributions surpassed the \$28-million goal, with combined pledges exceeding \$40 million. . . . Annual appeal income has remained over \$3 million, higher than any year prior to the Chapter 11 filing.<sup>7</sup>

While the donations were rolling in to the Diocese, the City doled out over \$100,000 funds to fix the Marist building:

- In 2005, the City paid \$59,000 to repair damage to the roof. This damage, supposedly caused by a storm, was more likely due to three years of neglect and inoccupation.
- In 2006, the Tucson Ward 1 Council Office funded at \$24,00 structural analysis.
- In 2009, the City paid \$8,400 for emergency roof repairs.
- In 2010, the City paid another \$9,800 for emergency roof repairs.<sup>8</sup>

The Diocese is perfectly willing to spend money to restore its other property. Last year, the church spent \$75,000 to restore a historic crucifix<sup>9</sup> but has spent only about \$50,000 on the

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<sup>3</sup> *Id.*

<sup>4</sup> Keegan, Linscott & Kenon Certified Public Accountants independent audit of the Diocese of Tucson finances, page 4. Available at <http://www.diocesetucson.org/DioceseTucsonAudit1011.pdf>.

<sup>5</sup> Bishop of Tucson Gerald Kicanas, February 27, 2004, letter "to the clergy, religious, and laity of the Diocese of Tucson," available at <http://www.diocesetucson.org/022704letter.html>.

<sup>6</sup> Michael Clancy, "Abuse Cases End Quietly for Diocese," *Arizona Republic* January 26, 2006 available at <http://www.azcentral.com/arizonarepublic/local/articles/0126settlements26.html>.

<sup>7</sup> Philip Moore, "10 Years After the Scandals, Dioceses Still Recovering From Bankruptcy," *National Catholic Register*, January 5, 2012. Available at <http://www.ncregister.com/daily-news/10-years-after-the-scandals-dioceses-still-recovering-from-bankruptcy/>.

<sup>8</sup> June 12, 2012 Memorandum from City Manager Richard Miranda to the Mayor and City Council.

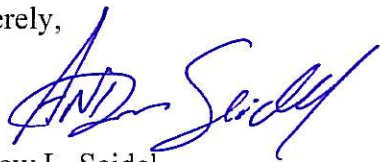


Marist building — half what the City has spent since 2005.<sup>10</sup> The City estimates that the Marist building can be restored for \$1.1 million. Ironically, the Diocese just raised \$1.1 million in the “Treasures of the Heart campaign” and used it to restore St. Augustine Cathedral — situated next door to the Marist building.<sup>11</sup> Clearly the Diocese can afford to repair the Marist, but why would it when the City has been so obliging?

The message this Council has repeatedly communicated to the Diocese and that you reinforced on July 10, is that churches will be rewarded if they neglect their duties as landowners and community members and fail to maintain their historic buildings. On behalf of our Tucson members we ask that you examine the above facts carefully and reconsider the misguided funding vote. As Councilman Kozachik pointed out, the money could be used for far better purposes like “housing rehabilitation, rental assistance or lead-paint abatement.”<sup>12</sup> Kozachik continued, “We have a waiting list of people waiting for that type of assistance right now.”<sup>13</sup> Shouldn’t the Tucson City Council stop rewarding rich churches for neglect and help those who really need it?

If you truly believe the best policy is to repair the Marist building then the Diocese should sign the building and property over to you free and clear. Alternatively, given the neglect the Diocese has shown for a piece of Tucson history, consider seizing the property through eminent domain. Title should not remain with the Diocese if the taxpayers are paying \$1.1 million.

Sincerely,



Andrew L. Seidel  
Attorney  
Freedom From Religion Foundation

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<sup>9</sup> Philip Moore, “10 Years After the Scandals, Dioceses Still Recovering From Bankruptcy,” National Catholic Register, January 5, 2012. Available at <http://www.ncregister.com/daily-news/10-years-after-the-scandals-dioceses-still-recovering-from-bankruptcy/>.

<sup>10</sup> June 12, 2012 Memorandum from City Manager Richard Miranda to the Mayor and City Council.

<sup>11</sup> *Id.*

<sup>12</sup> Tim Vanderpool, “Marist Tempest,” *Tucson Weekly*, July 26, 2012, available at <http://www.tucsonweekly.com/tucson/marist-tempest/Content?oid=3485572>.

<sup>13</sup> *Id.*