

# Neutrality as Pluralistic Diverse History:

Government Support for Preservation

Stewardship of Historic Religious Properties



Figure 1: Historic American Buildings Survey E. H. Pickering, Photographer July 1936 FACADE (WEST ELEVATION) FROM A PHOTOGRAPH MADE PRIOR TO 1915 - St. Mary's Seminary Chapel, North Paca Street & Druid Hill Avenue, Baltimore, Independent City, MD.

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## ABSTRACT

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PRESERVATION STEWARDSHIP OF  
HISTORIC RELIGIOUS PROPERTIES

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Preservation Program

America's historically designated religious sites face a unique set of legal and financial preservation challenges. These properties tend to be financed through fluctuating membership and fundraising, and can be denied public preservation funding if violating the First Amendment's Establishment Clause. Beyond their evident architectural and historical significance, an economic impact analysis demonstrates the financial value of benefits these sites provide to the public. A historical analysis of related policy, statutory law, and judicial review reveals the development of neutralist Establishment Clause interpretation that allows public subsidized funds to be disbursed to religious institutions that are providing a secular charitable benefit as non-profit organizations. Two case study sites in Baltimore City demonstrate how public funds have been received by following best practices in secular use restriction and preservation management. Recommendations then propose legally defining, guiding, and potentially regulating the neutral disbursement of government preservation funds to historic sacred sites.

NEUTRALISM AS PLURALISTIC DIVERSE HISTORY: GOVERNMENT SUPPORT  
FOR PRESERVATION STEWARDSHIP OF HISTORIC RELIGIOUS PROPERTIES

By

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## **Introduction**

Whether a devout layperson, secular humanist, or a diehard atheist, one cannot ignore the heritage, craftsmanship, and sheer majesty of an old stone spire, the carved masonry, terracotta domes, or perhaps patina copper detailing of their nearby church, synagogue, mosque or temple. All of these fine architectural elements may evoke appreciation if not a stronger emotional response, and create a distinctive sense of place unique to each community. These landmarks are often our neighborhoods' historic sacred places and the root of my research interest. Although it seems apparent to many, the value of these historic sacred sites goes largely unrecognized, despite the fact that they often provide secular educational programming and social services within their associated communities. The law concerning the preservation of religious historic resources continues to be a controversial and evolving Constitutional issue due to the First Amendment's declaration of religious liberties in the Free Exercise Clause as well as an interpreted separation of church and state in the Establishment Clause. Furthermore, urban historic sacred sites in particular face unique financial challenges with a tendency towards financial dependence on fluctuating memberships.<sup>1</sup> As conservation of America's urban historic sacred places is being threatened more and more due to the quickly changing demographics of our country's transient city cores, the clear public secular values presented by these struggling sites brings to question what can be done to politically and financially support their proper stewardship and preservation?

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<sup>1</sup> Sacred Trusts Conference. 1988. *Transcripts of Sacred Trusts: a conference on the management and rejuvenation of historic religious buildings : April 20-23, 1988, Philadelphia*. Philadelphia, Pa: The Corporation.

An initial examination of quantitative research on the economic and social value of historic religious properties provides supportive evidence for their conservation. An abridged history of judicial review, statutory law, and policy regarding the intersection between preservation and the Establishment Clause is then presented to analyze the process of receiving public funding for these sites. Those many laws and policies specifically concerning Native American sacred natural sites have been omitted, so as to narrow the scope of this study to historic architectural conservation. The thesis will then make a case for the present *best practices* used to meet secular requirements for receiving public preservation funds by presenting two case studies of historic religious sites that have been successful in such efforts. Finally, a neutralist approach that balances responsibility between legal government support and the stewardship best practices is recommended to allow the most effective preservation of these sacred sites and their heritage for future generations.

## **Chapter 1: The Economic Value of Historic Religious Sites**

The Partners for Sacred Places (Partners) is the nationally recognized 501(c)(3) non-profit organization concerned specifically with the preservation of historic religious sites.<sup>2</sup> Accordingly, the Partners organization has produced two important studies that have formulated quantifiable values for the economic impact of these cultural resources.<sup>3</sup> The Partners' research publications demonstrate two different methodologies for measuring the economic value of historic religious sites and the associated stewardship organizations they provide.

In 1998, Partners for Sacred Places published one of their most important economic studies, "Sacred Places at Risk," which began establishing a methodology for quantifying the value of services that historic sacred places provide the public.<sup>4</sup> With the collaborative partnership of the Foundation for San Francisco's Architectural Heritage, the Historic Landmarks Foundation of Indiana, Inspired Partnerships (Chicago), the Mobile Historic Development Commission, the New York Landmarks Conservancy, and the Preservation Alliance for Greater Philadelphia, the study examined and quantified the economic contributions of over 100 congregations in six cities with properties constructed prior to the 1940's.<sup>5</sup> They found that 93% of these congregations "open their doors to the larger community" by making their space available to public outreach

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<sup>2</sup> Partners for Sacred Places, 2014. "Who We Are," last modified 2014. <http://www.sacredplaces.org/who-we-are/>, accessed February 2014. The founding of the organization is more specifically regarded within the "New Directions..." chapter of this paper's history section.

<sup>3</sup> Diane Cohen and Robert A. Jaeger. 1998. *Sacred Places at Risk: New evidence on how endangered older churches and synagogues serve communities*. Philadelphia, PA: Partners for Sacred Places; Partners for Sacred Places. "Determining the halo effect of historical congregations," last modified 2010. <http://www.sacredplaces.org/what-we-do/research-and-public-policy/halo-effect/>, accessed February 2014.

<sup>4</sup> Cohen and Jaeger, *Sacred Places at Risk*, 1-4.

<sup>5</sup> Cohen and Jaeger, *Sacred Places at Risk*, 2-5.

programs in a way that pervades religious exclusivity.<sup>6</sup> The non-exclusive, pluralistic nature of extending services to the greater community and public is supported by the study's findings that "among [the] people who benefit from community programs housed in congregational buildings, non-members out-number members of the host congregation by a ratio of 4.2 to 1."<sup>7</sup> Furthermore, the study found that 76% of all service and outreach offered or supported by congregations takes place solely in their older properties.

TABLE REDACTED

Table 1: Three pie charts depicting the economic valuation findings from Partners for Sacred Places publication, *Sacred Places at Risk*, 9.

This evidence suggests that non-profit charitable services are effectively being provided in a faith-blind, or secular, manner at a significant percentage of historic religious properties. The study measures an average annual congregational contribution of \$140,000 to their local economies in the form of "Volunteer Time, Clergy and Other Staff Support, Shared Space, Cash Support, Utilities, and In-kind Support."<sup>8</sup> The conclusion is that the majority of these historic places give about an equal amount, if not more, back to local communities than they receive. This groundbreaking study used

<sup>6</sup> Cohen and Jaeger, *Sacred Places at Risk*, 2-5.

<sup>7</sup> Cohen and Jaeger, *Sacred Places at Risk*, 5-9.

<sup>8</sup> Cohen and Jaeger, *Sacred Places at Risk*, 19.

conservative value estimates and was focused on measuring the most direct financial contributions and economic impact by these congregations. The average quantitative findings when multiplied by the actual number of congregations with historic buildings all across America are clearly significant. In fact, if these economic and social contributions to local economies by historic sacred places were to cease, the financial cost to the government would be considerable.

Partners for Sacred Places continued their valuation studies with the 2009 publication of, “Determining the Economic Halo Effect of Historic Congregations,” which studied 12 Philadelphia congregations and assessed over 50 different factors to show how these historic sacred sites and their members are “critical economic catalysts.”<sup>9</sup> The study calculated economic valuations for the three areas composed of these factors, which include “1) through direct spending; 2) the value of day care and K-12 educational programs; and 3) a range of catalyzing or leveraging economic values, such as Open Space, Magnet Effect, Individual Impact, Community Development and Invisible Safety Net.”<sup>10</sup> Using this innovative methodology that considers both direct and indirect economic impacts, Partners found the 12 congregations created \$52 million in annual economic value to the city of Philadelphia, for an average of \$4.3 million per congregation.<sup>11</sup>

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<sup>9</sup> Partners for Sacred Places. “Determining the halo effect of historical congregations,” last modified 2010. <http://www.sacredplaces.org/what-we-do/research-and-public-policy/halo-effect/>, accessed February 2014.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

TABLE REDACTED

Table 2: Pie chart depicting the economic valuation findings from Partners for Sacred Places publication, *Determining the Economic Halo Effect of Historic Congregations*.

Just over half of that \$52 million value comes from direct spending, just over a sixth comes from educational programming, and the other third comes from the more indirect catalytic impacts.<sup>12</sup> The quantitative data from these studies provides proof of the great public value that historic sacred sites contribute to their local communities, and both acknowledge the immeasurable significance of these sites as architectural and cultural resources that provide tangible access to the heritage of our country and its inhabitants. Furthermore, all of Partners for Sacred Place’s publications point to the essential stewardship need of public-private community partnerships in order to keep historic sacred sites financially viable and well preserved.

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<sup>12</sup> Ibid.

## Chapter 2: Historic Religious Property Law and Policy



Figure 2: Historic American Buildings Survey San Francisco Chronicle Library San Francisco, California 1928 - Mission San Carlos Borromeo, Rio Road and Lasuen Drive, Carmel-by-the-Sea, Monterey County, CA.

## The Beginnings of the Establishment Clause and Historic Preservation of Historic Religious Sites

Government support for the physical conservation of the nation's historic religious resources has always been a controversial issue in Constitutional law due to the breadth of interpretation of the Bill of Rights' First Amendment. The First Amendment codified the intent of the country's Founding Fathers to establish religious tolerance and acceptance of religious pluralism without preference to any one creed as a basic precept of federal law. In order to focus this study on the Establishment Clause, the right to freedom of religious practice in the First Amendment's Free Exercise Clause is only referred to as a contextual variable, and deserves further research as a distinctly different, although related, subject matter within historic preservation. The Establishment Clause reads, "Congress shall make no law respecting an establishment of religion."<sup>13</sup> Careful consideration of this language reveals that although the U.S. Supreme Court has routinely upheld strict enforcement of separation of church and state, the Establishment Clause does not explicitly call for strict separation. In fact, the specific separationist interpretation was not formulated until 1802, about a decade after the 1791 ratification of the Bill of Rights.<sup>14</sup> This historical context reveals the relentless challenge the separation of church and state issue has presented the federal government since the nation's formation.

The solution of the Bill of Right's First Amendment only defined the Constitutional issue in legal terms broadly defined and interpreted. Henceforth, in the modern era, two main political ideological groups, *separationists* and *neutralists*, have

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<sup>13</sup> Jeremy T. Gunn and John Witte. 2012. *No Establishment of Religion: America's Original Contribution to Religious Liberty*. New York: Oxford University Press.

<sup>14</sup> Gunn and Witte, *No Establishment of Religion*, 28.

formed in response to different interpretations of the Establishment Clause.

Separationists, as the name suggests, understand the text to mean that the government should remain completely uninvolved with religious institutions. Neutralists, conversely, interpret this text to mean that the government can assist religious institutions with subsidies or any other form of intervention if the purpose is to promote a secular public benefit that the institution provides. The country historically has held a strict separationist view at the federal level until the modern interpretation of neutralism was embraced in the second half of the twentieth century. The new ideology of neutralism acknowledges the valuable role of religious institutions and their properties in providing secular public benefits that deserve equally available support from the government. Historic religious institutions and their properties also often provide the additional secular public benefit of education. These public services have been demonstrated to be of immense social value, and losing them would put an unnecessary burden of social welfare demand back onto the government.

The following chronology of judicial review, codified law, and policy, demonstrates that historic preservationists have taken on the responsibility of representing a more accurate *neutralist* interpretation of the Establishment Clause. Advancing the neutralist stance regarding religion has allowed publicly subsidized funds to be more easily available and distributed for the preservation of all of America's designated historic religious resources, without preference to creed. In doing so, historic preservationists are following the precedent of advocating and providing for the fullest, most diverse and religiously pluralistic interpretation of our country's heritage.

To begin to understand how the Establishment Clause as a Constitutional law has affected the preservation of designated historic religious sites, it is best to start by acknowledging the increasing focus of the preservation field on presenting history through conservation of the built environment. In the second half of the 19<sup>th</sup> century, the dramatic professionalization of American architectural practice in conjunction with the second Industrial Revolution began to draw the country's attention to the importance of regulating building construction, safety, and use. Reflecting these concerns, in the holding one of the earliest Establishment Clause cases with a neutralist outcome, *Bradfield v. Roberts*, 175 U.S. 291 (1899), the Supreme Court permitted "federal appropriation for a hospital building, to be devoted exclusively to the medical care of those with contagious disease, at a medical facility controlled by the Roman Catholic Church."<sup>15</sup> The judgment was based on the building's secular purpose rather than on the owners' religious creed.<sup>16</sup> The *Bradfield* case was early and exceptional in having a neutral judicial review outcome, and more than fifty years would pass before a ripe political climate would allow neutralism to develop its legal foundation in judicial review. Yet, during that first half of the 20<sup>th</sup> century, the field of historic preservation was formed through codified law, and developed policy for designating and preserving historic religious properties despite the legal conflicts.

The earliest 19<sup>th</sup>-century preservation projects, such as the restoration of Philadelphia's Independence Hall and George Washington's Mount Vernon in Northern Virginia, set exceptional precedence for the practice of preservation. Yet, vernacular concerns surrounding building safety and material culture conservation as a public

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<sup>15</sup> Ira C. Lupu and Robert W. Tuttle. 2002. *Historic Preservation Grants to Houses of Worship: A Case Study in the Survival of Separationism*. Boston College Law Review. 1143.

<sup>16</sup> Lupu and Tuttle, *Historic Preservation Grants to Houses of Worship*, 1143.

interest equally influenced the foundation of the greater historic preservation and urban planning bureaucracies of the 20<sup>th</sup> century. The most notable example of such early vernacular preservation interest was the conservation of the colonial church tower ruins on Jamestown Island, Virginia by The Association for the Preservation of Virginia Antiquities, in 1907.<sup>17</sup> Such private preservation efforts incentivized the ratification of the Organic Act of 1916, which officially formed the National Park Service (NPS) under the Department of the Interior. The Act gave the new federal agency the responsibility of overseeing the national parks, monuments, and reservations in order to “conserve the scenery and the natural and historic objects and wildlife therein.”<sup>18</sup> Under the mandate of the Antiquities Act of 1906, each successive president of the United States, with the assistance of NPS, proclaimed and designated both National Monuments and National Parks on federally own property, and assisted in the foundation of the state park agencies.

Starting in the 1920’s, the growing availability of automobiles provided greater access to historic sites, which led to a boom in preservation activity. The impetus to use the nation’s natural and cultural resources to enhance tourism was stronger than ever, and several preservation societies in New England, as well as citizen-led groups in cities such as Charleston and San Antonio, advocated for historic designation of both properties and districts.<sup>19</sup> In California, fundraisers were successful in financing the restoration of Mission San Carlos Borromeo in 1920 (Figure 2), followed shortly by the restoration of

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<sup>17</sup> John H. Sprinkle, 2009. "Viewpoint: ‘History Is as History Was, and Cannot Be Changed’: Origins of the National Register Criteria Consideration for Religious Properties." *Buildings and Landscapes: Journal of the Vernacular Architecture Forum*. 16 (2): 2-3.

<sup>18</sup> National Park Service. “Organic Act of 1916”, modified 5/16/2014.  
<http://www.nps.gov/grba/parkmgmt/organic-act-of-1916.htm>, accessed March 2014.

<sup>19</sup> Edna E. Kimbro., Julia G. Costello, and Tevvy Ball. 2009. *The California Missions: History, Art, and Preservation*. Los Angeles: Getty Conservation Institute. 68-69.

the Serra Chapel at Mission San Juan Capistrano.<sup>20</sup> The economic hardships of the Great Depression in the late 1920's and early 1930's made preservation activity less financially viable for most of the public beyond the wealthy few who could afford the expense. California, which had a larger concentration of wealth than other states at the time, established the California State Park Commission in 1927, and passed the State Park Bond the following year.<sup>21</sup> Another prime example of such elitist preservation was the grand restoration of Colonial Williamsburg in Virginia by Reverend W.A.R. Goodwin and the renowned philanthropist John D. Rockefeller Jr., which began in 1928.<sup>22</sup>

In 1933, President Franklin Roosevelt's New Deal created several national programs, such as the Civilian Conservation Corps (CCC) and the Historic American Building Survey (HABS), to employ out-of-work professionals.<sup>23</sup> These two programs immediately acted as major catalysts in professionalizing the field of historic preservation. By 1934, the CCC had set up a preservation project site north of Santa Barbara, California, around the ruins of the Spanish colonial mission of LaPurisma, which was built in 1787 and destroyed by earthquake in 1812.<sup>24</sup> After much discussion over whether to preserve the ruin or reconstruct the historic mission, the CCC elected to take on the reconstruction effort to attract visitors to the site and make money for the newly designated LaPurisma State Historic Monument<sup>25</sup> (Figure 3). The CCC's

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<sup>20</sup> Kimbro, Costello, and Ball, *The California Missions*, 68-69.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> National Park Service. "Historic American Buildings Survey (HABS)," last modified 3/1/2013. <http://www.nps.gov/history/hdp/habs/>, accessed March, 2014.; The National Park Service. "Civilian Conservation Corps and the National Park Service, 1933-1942: An Administrative History," last modified 4/4/2000. [http://www.nps.gov/history/history/online\\_books/ccc/ccc1a.htm](http://www.nps.gov/history/history/online_books/ccc/ccc1a.htm), accessed March, 2014.

<sup>24</sup> Kimbro, Costello, and Ball, *The California Missions*, 210

<sup>25</sup> Kimbro, Costello, and Ball, *The California Missions*, 70-71

reconstruction of the LaPurisma mission took over seven years of planning, set-up, and construction, and was completed in 1941.<sup>26</sup>

During the span of the LaPurisma project, the National Park Service was overseeing both CCC and HABS efforts nationwide to establish state parks and document the nation's cultural resources, respectively. Simultaneously, NPS recognized the success of the various private preservation efforts around the country, and determined that the Antiquities Act was insufficient without the ability to provide appropriate surveying, documentation, and historic designation of American historic cultural resources. The immense strides made in historic building documentation and conservation by both the private sector and the government led to the ratification of the Historic Sites Act of 1935, which initiated the first National Historic Site designation program for both publicly and privately owned cultural resources. NPS immediately began determining how the emergent National Historic Sites program could designate historically significant religious sites without violating the First Amendment by favoring one group over another. In order to ensure that the agency did not violate the Establishment Clause, five nationally significant sacred sites, were proposed for designation by high-status individuals, and served as the basis for a "new policy to exclude properties associate solely with religious history."<sup>27</sup>

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<sup>26</sup> Kimbro, Costello, and Ball, *The California Missions*, 77

<sup>27</sup> Sprinkle, *Viewpoint: 'History Is as History Was, and Cannot Be Changed'*, 1-7.

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Figure 3: The Civilian Conservation Corporation reconstruction of California's Mission LaPurisma in the 1930's. Image courtesy of the California State Parks, from Kimbro, Costello, and Ball, *The California Missions*, 77.

The first of these sites, the Church Tower Ruins on Jamestown Island, Virginia, was successfully designated on December 18<sup>th</sup>, 1940. The Church Tower Ruins are significant as directly associated with the “first permanent English settlement” in the country.<sup>28</sup> The Association for the Preservation of Virginia Antiquities (APVA) had previously acquired the property in 1893, and constructed a Memorial Church that encompassed the foundations of the church building associated with the surviving church tower to conserve the ruins in 1907.<sup>29</sup> The church site together with the York Town Battlefield were designated in 1930 as a Colonial National Monument, and eventually were purchased as a National Park in 1934 by NPS, with the exception of the historic religious property that remains under the ownership and stewardship of APVA (now Preservation Virginia).<sup>30</sup> The designation of the Church Tower Ruins site in 1940 further established the best practice of forming a “cooperative agreement, which [in this case] spelled out the roles and responsibilities of the federal government and APVA.”<sup>31</sup> This first historic religious property designation was particularly clear-cut as the entire Jamestown Island site was deemed to be nationally significant.

The more culturally diverse, second National Historic Site religious property designation of the Church of San Jose y San Miguel de Aguayo in San Antonio, Texas, was completed on June 1<sup>st</sup>, 1941.<sup>32</sup> The member of Congress who introduced the Historic Sites Act of 1935, Maury Maverick of San Antonio, immediately nominated the Church

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<sup>28</sup> Sprinkle, *Viewpoint: 'History Is as History Was, and Cannot Be Changed'*, 3

<sup>29</sup> Ibid.

<sup>30</sup> Ibid; Preservation Virginia. “Historic Jamestowne: The Jamestown Memorial Church,” last modified 2014. [https://historicjamestowne.org/jamestown\\_church.php](https://historicjamestowne.org/jamestown_church.php), accessed March, 2014.

<sup>31</sup> Sprinkle, *Viewpoint: 'History Is as History Was, and Cannot Be Changed'*, 3-4

<sup>32</sup> Ibid.

of San Jose y San Miguel de Aguayo for designation after the bill was passed.<sup>33</sup> The nomination was finally successful six years later after much deliberation between the Catholic Church and NPS over determining the respective organizations' shared restoration and stewardship responsibilities.<sup>34</sup> Maverick's nomination and successful designation of this site firmly advocated diversity in the NPS approach to history by pushing for the early designation of such Spanish colonial sites. The impact of representing all religions and ethnic backgrounds has since been ingrained into NPS policy, which is especially reflected by the various Theme Studies and Heritage Initiatives that have focused specifically on documenting the history, and designating cultural resources, of underrepresented groups.<sup>35</sup>

The third and fourth National Historic Site (NHS) religious property designation cases of Gloria Dei in Philadelphia, Pennsylvania, and Saint Paul's Church in Eastchester, New York, were focused on establishing standards of national significance in terms of religious architecture. On May 17, 1942, the Gloria Dei, or Old Swedes', was successfully designated as a National Historic Site with little to no controversy.<sup>36</sup> In this case, the NPS Advisory Board architectural historian, Dr. Fiske Kimball, had already affirmed that the architecture of Gloria Dei, or Old Swedes', was nationally significant along with its associated history of early Swedish colonization in the American Mid Atlantic.<sup>37</sup> The case of St. Paul's Church was a bit more controversial as the claims of historic significance were attached to activity surrounding the creation of the Bill of

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<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> National Park Service. "Your Story is America's Story: Heritage Initiatives," last modified 4/16/2014. <http://www.nps.gov/heritageinitiatives/>, accessed March, 2014.

<sup>36</sup> Sprinkle, *Viewpoint: 'History Is as History Was, and Cannot Be Changed'*, 4

<sup>37</sup> Ibid.

Rights, an event that occurred prior to the building's construction. Furthermore, Dr. Kimball's NPS Advisory Board recommendations concluded that Saint Paul Church could only be judged as nationally significant architecture if similar colonial churches were identified in official surveys.<sup>38</sup> With the completion of the suggested surveying, along with support from the likes of Sera Delano Roosevelt and John d. Rockefeller, Saint Paul Church was official designated a NHS on July 5<sup>th</sup>, 1943.<sup>39</sup>

At this point, the United States had entered into the Second World War, and President Roosevelt instituted a wartime moratorium on further designations of National Historic sites.<sup>40</sup> Yet in 1944, an exception to this moratorium was made when the publisher of the New York Times, Hays Sulzberger, requested a NPS investigation into nominating a historic Jewish synagogue as part of the initial round of religious National Historic Site designations.<sup>41</sup> Mr. Sulzberger had previously supported the designation of Saint Paul Church as a NHS, and with the NPS Advisory Board identification of the Touro Synagogue in Newport, Rhode Island, once again voiced his endorsement<sup>42</sup> (Figure 4). The NPS, the Advisory Board, and specifically Dr. Kimball, immediately recognized the national historic significance of this one-of-a-kind colonial era synagogue and saw to its successful designation on March 5, 1946.<sup>43</sup> These initial five NHS designations began to form neutrally applicable standards of secular historic significance for the assessment of religious properties to prevent consideration of their faith-based organization, practices, and beliefs. Due to these consciously responsive efforts by NPS

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<sup>38</sup> Sprinkle, *Viewpoint: 'History Is as History Was, and Cannot Be Changed'*, 4-7.

<sup>39</sup> Ibid.

<sup>40</sup> Sprinkle, *Viewpoint: 'History Is as History Was, and Cannot Be Changed'*, 7-9.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

to abide by the First Amendment's Establishment Clause, a history of preservation policy and law responding to the issue developed with strong foundations.



Figure 4: Historic American Buildings Survey, June, 1971 VIEW OF WEST FACADE FROM SOUTHWEST. Touro Synagogue, Congregation Jeshuat Israel, 85 Touro Street, Newport, Newport County, RI.

## **Formulation of Historic Religious Property Law and Policy for Preservation: Developments from 1950 to 1980**

The activities of the federal government in the 1950's were less progressive in advancing the preservation of historic religious structures, with most efforts focused on using the Historic Sites Act to its fullest capacity. By the late 1950's, the influx of nominations for National Historic Site (NHS) designation had inundated the National Park Service (NPS), and the number of stewardship agreements and ensuing responsibilities became intolerable for the federal agency. In response to this problem, in 1959 the agency created the Registry of National Historic Landmarks (NHL) as part of the NPS MISSION 66 program.<sup>44</sup> The Registry of NHLs allowed non-federally owned nationally significant historic properties to be designated without requiring any stewardship responsibilities by the government, eliminating the previously time-consuming contractual agreements of NHS designations.<sup>45</sup> Consequently, an exponential increase of historic designation nominations was redirected to the new NHL program.

One of these many nominations was for Old Bohemia, including the Saint Francis Xavier Church, as proposed by a member of Congress for historic designation in 1962.<sup>46</sup> As part of this process NPS wrote a report on Old Bohemia, the site of Saint Francis Xavier Church and the Bohemia Academy, near Warwick, Maryland.<sup>47</sup> The Academy was established on the property as early as 1745, and was supposedly attended by Charles Carroll of Carrollton, one of Maryland's signers of the Declaration of Independence.<sup>48</sup> The church construction was completed circa 1792, but was later partially rebuilt after

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<sup>44</sup> Sprinkle, *Viewpoint: 'History Is as History Was, and Cannot Be Changed'*, 1-2

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Sprinkle, *Viewpoint: 'History Is as History Was, and Cannot Be Changed'*, 1-3.

<sup>48</sup> Ibid.

having been damaged by fire in 1912.<sup>49</sup> The Old Bohemia site and its partial loss of historic integrity would be considered several times by NPS in developing their policy concerning the designation of historic religious properties in the following years.<sup>50</sup> In fact, as an immediate response, the NPS Advisory Board adopted an amendment to its *Criteria and Guidelines for the Classification of Sites and Buildings*, which made ineligible all sites and structures that were deemed significant solely on account of their religious history. The legal provision was adopted on May 1st, 1962, and effectively denied the National Historic Landmark designation for Old Bohemia.<sup>51</sup>

During this boom of preservation activity, that Supreme Court heard the 1971 case, *Tilton v. Richardson*, 403 U.S. 672 (1971), in which the Justices, “upheld a series of federal construction grants, authorized by the Higher Education Facilities Act of 1963, to church-affiliated colleges and universities.”<sup>52</sup> In addition to these findings, the Court struck down a portion of the federal program that only required a “secular use restriction” covering a twenty-year period, and instead decided that any federally subsidized building must maintain its secular use for the life of the building.<sup>53</sup> This landmark case began to explicitly define that all publicly funded physical work on any permanent component of a building could not be used for religious purposes for the duration of that fixture’s existence.

Meanwhile, NHL nominations for historic religious sites revealed that many locally significant properties could not be designated NHLs despite their importance in

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<sup>49</sup> Ibid.

<sup>50</sup> John H. Sprinkle, 2014. *Crafting Preservation Criteria: the National Register of Historic Places and American historic preservation*. New York: Routledge, 138-139.

<sup>51</sup> Ibid.

<sup>52</sup> Lupu and Tuttle, *Historic Preservation Grants to Houses of Worship*, 1143.

<sup>53</sup> Lupu and Tuttle, *Historic Preservation Grants to Houses of Worship*, 1144.

regional history. The NHL nomination process led to a positive outcome with the passing of the National Historic Preservation Act of 1966 (NHPA), which established a comprehensive National Register of Historic Places (NRHP/National Register), and State Historic Preservation Offices (SHPOs) to assist in reviewing historic National Register designation nominations. The National Register historic designation was created to document and advance the preservation of regionally and locally important cultural resources. The NHPA also directed that the SHPOs were responsible for reviewing, and providing designation recommendation for, National Register-nominated sites within their state. The NHPA developed four official National Register Criteria to assist in the review and determination of historic significance (Appendix A-1). The NHPA generally prohibited National Register designation of religious properties, but adopted a new religious exception clause based on the original five NHS religious property designations and the aforementioned 1962 revision of the Criteria and Guidelines for the Classification of Sites and Buildings. In Section 36 CFR Part 60 of the NHPA, this Criterion Consideration A makes potentially eligible, “religious property deriving primary significance from architectural or artistic distinction or historical importance.”<sup>54</sup> (Appendix A-1).

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<sup>54</sup> Sprinkle, *Viewpoint: 'History Is as History Was, and Cannot Be Changed'*, 11.

**Patterns in the Use of National Register Criteria Considerations**

Consideration	Type	Number of Listings	Percentage
A	Religious properties	7,680	51.3%
B	Moved properties	2,215	14.8%
C	Birthplaces and graves	269	1.8%
D	Cemeteries	1,500	10.0%
E	Reconstructed properties	197	1.3%
F	Commemorative properties	537	3.6%
G	Less than 50 years old	2,570	17.2%
	<b>Total</b>	<b>14,968</b>	

Source: National Register Information System, October 2008

Table 3: Produced by the National Park System in 2008, showing the overwhelming use of the Criterion Consideration A exception, as compared to others, since being ratified within the 1966 NHPA.<sup>55</sup> Although not shown here, Criterion Consideration A has been used for approximately 9% of all National Register Nominations.<sup>56</sup>

Although seemingly unrelated to preservation, understanding Constitutional law as it applies to this topic requires delving into the greater field of Establishment Clause interpretation. One of the best examples of such interpretation occurred in 1971, when a standard judicial policy to prohibit unconstitutional funding of religious schools was created through the determination of the U.S. Supreme Court case, *Lemon v. Kurtzman*, 403 U.S. 602 (1971):

Striking down state aide to parochial school teachers, the Court looked for:

(1) a secular legislative purpose in the law; (2) a primary effect that neither

<sup>55</sup> National Park Service. 2008. "National Register Criteria Considerations: Implications for Federal Preservation Officers," last modified 2014.

<http://www.nps.gov/history/fpi/Documents/NR%20Criteria%20Considerations.pdf>, accessed 2014.

<sup>56</sup> Sprinkle, *Crafting Preservation Criteria*, 131.

advanced nor inhibited religion; and (3) a result that did not create excessive government entanglement in religious matters.<sup>57</sup>

Just two years later, in the 1973 U.S. Supreme Court case, *Committee for Public Education v. Nyquist*, 413 U.S. 756 (1973), the *Tilton* holding was used as precedent common law to deny the State of Virginia subsidized capital project funds for physical changes to private religious schools without any proposed secular use restrictions on those spaces proposed for these government-sponsored improvements.<sup>58</sup> Former Attorney General Joseph Lieberman took a lead position in the interpretation of the *Nyquist* case, contending that it did not present the level of budgetary specificity of even a normal historic preservation project, and therefore could not be granted federal funds with any accountability of how the money would be used.<sup>59</sup> Despite the foundation of judicial review established by these initial cases, the definition of secular benefit and the use restrictions implied therein, were still difficult to assess and determine at this time.

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<sup>57</sup> S. L. Mahaney. 2006. "The California Missions Preservation Act: Safeguarding our History or Subsidizing Religion?" *American University Law Review* 1534; D. P. Hart. 2003. "God's Work, Caesar's Wallet: Solving the Constitutional Conundrum of Government Aid to Faith-based Charities". *Georgia Law Review*, 1103.

<sup>58</sup> Lupu and Tuttle, *Historic Preservation Grants to Houses of Worship*, 1145.

<sup>59</sup> Lupu and Tuttle, *Historic Preservation Grants to Houses of Worship* 1158.

## **New Directions for Historic Religious Properties in Recent Years**

In terms of statutory law and policy programming concerning bricks and mortar funding for religious properties, the National Park Service and the greater professional historic preservation community have already taken the lead. Robert Jaeger and Diane Cohen, two prominent preservationists concerned with the conservation of historic sacred sites, co-founded Partners for Sacred Places in 1989. Jaeger was formerly the Senior Vice President of the Philadelphia Historic Preservation Corporation's Historic Religious Properties Program, which was founded in 1986 to survey, document, and provide resources for historic religious sites in Philadelphia and Chester, Pennsylvania, as well as nearby Camden, New Jersey.<sup>60</sup> That same year, the New York Landmark Conservancy established their Sacred Sites Program, which would flourish under the direction of Diane Cohen.<sup>61</sup> With the same goals in mind, Jaeger and Cohen then partnered to form the national non-profit organization known as Partners for Sacred Places. Since its founding, Partners has established three primary goals:

- 1) to help congregations and their communities be good stewards of their sacred places;
- 2) to develop an effective national network of advocates for sacred places;
- and 3) to enhance public understanding of the value of sacred places as irreplaceable centers that create and sustain community life.<sup>62</sup>

Philadelphia's Historic Religious Properties Program continued into the 1990's before it was handed over to Partners for Sacred Places to extend their services

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<sup>60</sup> Partners for Sacred Places, 2014. "Staff Directory," last modified 2014. <http://www.sacredplaces.org/who-we-are/staff-directory/>, accessed February 2014; Wiese, Jacqueline R. 2010. "Public Policy and the Non-Secular: How Non-Profit Organizations Preserve Inner City Historic Sacred Places." [http://repository.upenn.edu/hp\\_theses/154](http://repository.upenn.edu/hp_theses/154), accessed September 2013, 20-21.

<sup>61</sup> Ibid.

<sup>62</sup> Cohen and Jaeger, *Sacred Places at Risk*, 1-3.

throughout the country. Today, both the New York Landmark Conservancy Sacred Sites Program and the Philadelphia Historic Preservation Corporation continue their local efforts, although the latter has been renamed The Preservation Alliance of Greater Philadelphia. Partners for Sacred Places remains the sole religiously unaffiliated national non-profit organization that advocates and supports the “sound stewardship and active community use of America’s older religious properties,” and continues to influence similar local organizations around the country.<sup>63</sup>

Today, Partners works with “a national network of expert professionals who understand the value of a congregation’s architectural assets, its worth as a faith community, and the significance of its service to the community at large.”<sup>64</sup> These collaborative efforts have allowed Partners to more effectively advocate for these historic sites as well as offer their own research publications as part of a greater information center they have made publicly available through their online website ([www.sacredplaces.org](http://www.sacredplaces.org)). Much of this collection of online resources is free to the public, covering a range of stewardship topics concerning the financial and physical upkeep of historic sacred sites. Noteworthy Partner for Sacred Places published resource’s include: “Your Sacred Place Is a Community Asset: A Tool Kit to Attract New Resources and Partners,” and “The Complete Guide to Capital Campaigns for Historic Churches and Synagogues.”

Beyond providing political advocacy and printed educational material, Partners offers several consultation programs for historic religious site stewardship, including the *New Dollars/New Partners for Your Sacred Place* stewardship training for congregations

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<sup>63</sup> Partners for Sacred Places, 2014. “Who We Are,” last modified 2014. <http://www.sacredplaces.org/who-we-are/>, accessed February 2014.

<sup>64</sup> Cohen and Jaeger, *Sacred Places at Risk*.

and *Making Homes for the Arts In Sacred Places*.<sup>65</sup> Furthermore, personalized consultation services, workshops, and conferences are offered through Partners' three regional offices in Philadelphia, Chicago, and Dallas.<sup>66</sup> Essential to their success, Partners has also received ongoing technical and organizational support as well as promotion from the National Trust for Historic Preservation (NTHP) as the country's most notable preservation non-profit organization.<sup>67</sup> The key to this organization's national success is based in the development and advocacy of strong partnerships, and the creation of a variety of dynamic programming.<sup>68</sup>

Beginning in 1990, with successive revisions in 1991, 1995, and 1997, NPS published a National Register Bulletin entitled "How to Apply the National Register Criteria for Evaluation." This Bulletin succinctly describes Criterion Consideration A and outlines how the policy affects National Register eligibility for historic religious properties. The NPS is clear in stating that most historic religious properties that meet at least one National Register Criterion are eligible, with the one major exception of religious properties that are only significant as aged places of worship. Understanding eligibility is important in achieving historic designation for religious properties, which then allows access to certain preservation funding. Furthermore, the 1992 amendment to the 1966 National Historic Preservation Act, presented the first widely recognized clause of statutory law, in Section 101(e)(4), adopting a neutral approach to appropriating

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<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> The NTHP has also created a document entitled, "Preserving Historic Religious Properties: A Toolkit for Congregations and Community Leaders," to assist historic religious property owners and institutions with finding bricks and mortar funding from both private and public sources.

<sup>68</sup> Wiese, *Public Policy and the Non-Secular*, 20-21.

publicly subsidized *bricks and mortar* preservation funds to historic religious properties.

It reads as follows:

Grants may be made under this subsection for the preservation, stabilization, restoration, or rehabilitation of religious properties listed in the National Register of Historic Places, provided that the purpose of the grant is *secular*, does not promote religion, and seeks to protect those qualities that are *historically significant*. Nothing in this paragraph shall be construed to authorize the use of any funds made available under this section for the acquisition of any property referred to in the preceding sentence.<sup>69</sup>

The progression of neutralist interpretation and ease of public funding for religious organizations was again moved forward by the 1997 U.S. Supreme Court case, *Agostini v. Felton*, 521 U.S. 203 (1997). The court findings simplified the former three-part *Lemon* test to be less prohibitive of public funding with a more direct two-part assessment for “determining whether government action had the: (1) purpose or (2) effect of advancing or inhibiting religion.”<sup>70</sup> In addition, the Court created three criteria to assess whether the case, and future cases concerning government aid to religious institutions, would have an effect of advancing or inhibiting religion.<sup>71</sup> These criteria demonstrated that government financial aid to religious institutions could be legally distributed if the funds do not “(1) result in governmental indoctrination; (2) define its recipients by reference to religion; (3) or create an excessive entanglement.”<sup>72</sup> This improved *Agostini-Lemon* test has been used effectively several times in more recent

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<sup>69</sup> United States. 1993. National Historic Preservation Act of 1966, as amended.

<sup>70</sup> Mahaney, *The California Missions Preservation Act: Safeguarding our History*, 1535; Hart, *God's Work, Caesar's Wallet*, 1104.

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

judicial law cases, but still requires a time consuming case-by-case interpretation by the courts.

In February of 1998, Save America's Treasures (SAT) was created by Executive Order of President Bill Clinton with the support of First Lady Hillary Clinton and program assistance from the National Trust for Historic Preservation (NTHP). SAT was effective at providing federal preservation grants for the physical restoration of our country's most at-risk, significant historic religious places. Although the SAT program was defunded and disbanded in 2011, it remains a strong model for the distribution of federal grant money for physical preservation of historic sites, and particularly religious properties.<sup>73</sup> SAT received much criticism for publicly funding the restoration of many historic religious places, especially in regard to Boston's Old North Church, but was never successfully sued on the grounds of violating the Establishment Clause due to the subsidies being used explicitly for secular preservation purposes.<sup>74</sup>

As the more recognized First Amendment right, The Free Exercise Clause has historically received the attention necessary to develop an enforceable legal framework. The groundbreaking preservation court case, *Rector, Warden and Members of the Vestry of St. Bartholomew's Church v. City of New York*, 728 F. Supp. 958 (S.D.N.Y. 1989) aff'd, 914 F.2d 348 (2d Cir. 1990), *cert denied*, 499 U.S. 905 (1991), continues to be a lead judiciary review concerning the Constitutionality of historic landmark regulations on religious properties in potentially denying religious Free Exercise rights. In this specific case, the owners of St. Bartholomew's Church sought to develop a bulky 59-story tower

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<sup>73</sup> Caitlin Kramer. 2009. "Moving Towards Neutrality: Establishment Clause and America's Historic Religious Places."; Christen Sproule. "Federal Funding for the Preservation of Religious Historic Places: Old North Church and the New Establishment Clause." (2004). George Town University Law Center.; Both sources more directly regard the history and neutralist approach of the SAT program.

<sup>74</sup> *Ibid*; The Old North Church case is covered in detail in Sproule.

community house next to their historic worship building.<sup>75</sup> The proposed community house tower design was denied when the Second Circuit ruled that local historic ordinances are facially neutral laws of general applicability, and concluded that the church had failed to prove that it could not carry out its mission in its existing facilities.<sup>76</sup> The case further determined that visual access to historic exterior facades is a public amenity that must be upheld by such neutrally applicable preservation regulations. The result of such public concern and participation in free exercise rights has led to faster formation of statutory law and regulatory policies, but with unintended effects concerning Establishment Clause law and policy development.

A few years later, in *City of Beorne v. Flores*, 521 U.S. 507 (1997), the Supreme Court struck down the legislation of the Religious Freedom Restoration Act with respect to its applicability to the States, and for stepping beyond Congress's power of enforcement under the 14<sup>th</sup> Amendment.<sup>77</sup> In response, Congress immediately responded with the passage of the Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000, which established enforceable protection of religious institutions from discrimination when it came to their zoning and land use.<sup>78</sup> RLUIPA has given religious property owners more freedom to alter their historically designated properties at the cost of creating complications for regulatory preservation law, which is not a compelling state interest in comparison to First Amendment rights. The general effect of the law allows religious property owners to make alterations based on their beliefs despite being locally designated and under a regulatory historic preservation ordinance. Yet, local historic

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<sup>75</sup> *Rector, Warden & Members of the Vestry of St. Bartholomew's Church v. City of New York*, 728 F. Supp. 958 (S.D.N.Y. 1989) aff'd, 914 F.2d 348 (2d Cir. 1990), cert denied, 499 U.S. 905 (1991).

<sup>76</sup> Ibid.

<sup>77</sup> *City of Beorne v. Flores*, 521 U.S. 507 (1997).

<sup>78</sup> Lupu and Tuttle, *Historic Preservation Grants to Houses of Worship*, 1153-1154.

preservation ordinances can determine these alterations as a loss of historic integrity and can remove the designation as a consequence. Therefore, RLUIPA does not prevent regulation from being enforced upon religious properties under neutrally applicable restrictions, such as those of a historic district with design guidelines. Unfortunately, RLUIPA has also inadvertently increased legal tension with secular use restrictions as applied to public preservation funding to uphold the Establishment Clause. These secular use restrictions, unless affirmed by a historic preservation easement or alternative written legal contract, can potentially be seen as violating First Amendment Free Exercise rights.

Along with the aforementioned progressions in the neutralist movement, President George W. Bush's creation of the Office of Faith-Based and Community Initiative in 2001 (now President Barak Obama's Office of Faith-Based Initiatives and Neighborhood Partnerships), which has drawn the attention of the Americans United for Separation of Church and State (Americans United) and the American Civil Liberties Union (ACLU). As the country's most powerful advocacy and lobbying organizations advancing the separation of church and state, Americans United and the ACLU have demonstrated the most political opposition to religious neutralism. Yet, in presenting the public secular benefits these sites provide, the professional field of historic preservation has continued to have success in policy and law concerning the subject. More recently, on November 30, 2004, President George W. Bush signed the California Missions Preservation Act ('Missions Act') into law, allowing the potential to appropriate federal money in the form of grants to publicly fund restoration of California's historic mission sites<sup>79</sup> (Appendix A-2). The Missions Act was passed through Congress with ease due to the bipartisan

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<sup>79</sup> Mahaney, *The California Missions Preservation Act: Safeguarding our History*, 1524; United States. "California Missions Preservation Act (H. R. 1446), One Hundred Eight Congress," 2004. <http://www.gpo.gov/fdsys/pkg/BILLS-108hr1446enr/pdf/BILLS-108hr1446enr.pdf>.

interest and recognition of precedent cases of NPS funding for many historic Spanish Colonial Catholic missions in San Antonio, Texas.<sup>80</sup> Unfortunately, two days later Americans United filed a federal lawsuit challenging the constitutionality of the Missions Act.<sup>81</sup> The suit was dismissed based on Americans United's failure to establish injury-in-fact when no federal money had yet been appropriated to the Missions Act for any purpose.

The most recent judicial success on this issue was in 2009 with the neutralist holding of U.S. Court of Appeal for the Sixth Circuit case, *American Atheists, Inc. vs. City of Detroit Downtown Development Authority*, 567 F.3d 278 (6<sup>th</sup> Cir. 2009), which verified the constitutionality of government funding for the urban redevelopment of Detroit's downtown area in preparation for Super Bowl XL in 2006.<sup>82</sup> The City of Detroit's use of public funds for restoration work of three church facades near the football stadium was upheld in the Court as being part of the larger neutrally applicable urban redevelopment plan for that area of Detroit.<sup>83</sup> Similar cases of public concern have resulted from the recent tragic events of Hurricanes Katrina and Sandy that have drawn national attention back to this Constitutional law issue, with many religious properties having been flooded and greatly damaged by these natural disasters.

During the onslaught of Hurricane Katrina in 2005, the Federal Emergency Management Agency (FEMA) relied on religious and faith-based organizations to house

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<sup>80</sup> United States. 2004. *California Missions Preservation Act...hearing before the Subcommittee on National Parks of the Committee on Energy and Natural Resources, United States Senate, One Hundred Eighth Congress, second session, on S. 1306, S. 1430, S. 1687, H.R. 1446, H.R. 1521, March 9, 2004.* Washington: U.S. G.P.O. <http://www.gpo.gov/fdsys/pkg/CHRG-108shrg94203/html/CHRG-108shrg94203.htm>

<sup>81</sup> Ibid.

<sup>82</sup> *American Atheists, Inc. vs. City of Detroit Downtown Development Authority*, 567 F.3d 278 (6<sup>th</sup> Cir. 2009)

<sup>83</sup> Ibid.

and feed more than 500,000 people displaced by the storms.<sup>84</sup> In providing the secular public benefit of disaster relief, these religious organizations were allowed to receive direct compensation from FEMA, a unique occurrence of such federal funding going unchallenged due to the emergency nature of the situation.<sup>85</sup> More recently the destructive effects of Hurricane Sandy in October 2012, have resulted in yet another organized call for religious property disaster relief. A recent New York Times article entitled, “Houses of Worship Seeking FEMA Grants Face Constitutional Barrier,” describes how several Jewish organizations, including the Union of Orthodox Jewish Congregations of America and the American Jewish Committee, with the help of former Senator Joseph Lieberman have started the campaign for the publicly demanded relief.<sup>86</sup> According to the New York Times article, many religious institutions affected by the Hurricane Sandy storms have already applied, or are being encouraged to apply, for FEMA relief while waiting on the outcome of various legal and policy developments.<sup>87</sup> Senator Lieberman, just weeks before leaving his seat in the Senate in April 2013, introduced an amendment to the multibillion-dollar Hurricane Sandy recovery appropriations bill to place houses of worship on the list of qualified organizations to receive disaster relief from FEMA.<sup>88</sup> Although the amendment was defeated for

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<sup>84</sup> Brian C. Ryckman. *Indoctrinating the Gulf Coast: The Federal Response to Hurricanes Katrina and Rita and the Establishment Clause of the First Amendment*. 9 U. PA. J. Const. Law, 929 (2007), 930.

<sup>85</sup> Ibid; Marvin N. Olasky. 2006. *The Politics of Disaster: Katrina, big government, and a new strategy for future crises*. Nashville, Tenn: W Pub. Group; In retrospect FEMA’s actions during Katrina have been heavily criticized in regards to the legal issue of violating the Establishment Clause.

<sup>86</sup> Sharon Otterman. “Houses of Worship Seeking FEMA Grants Face Constitutional Barrier.” New York Times, January 3, 2013. Accessed April 1, 2013.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

supposedly unrelated political reasons, support for it continues to grow, with the active participation of the United States Council of Catholic Bishops.<sup>89</sup>

Despite some disapproval from Americans United and the ACLU as influential stakeholders in this political process, two similar bills have been introduced to Congress that would change FEMA's policy to allow disaster relief for religious non-profit organizations that provide secular public services.<sup>90</sup> The more successful of these two bills, H.R. 592, was passed by the House of Representatives in February of 2013 and will continue on to the Senate.<sup>91</sup> Such neutralist policy formation to provide disaster relief for religious properties in general is legally justifiable as local governments nationwide provide these buildings with all other public emergency services. The government will always have the expected civic responsibility to provide responsive assistance in public safety and emergency relief situations, which *can* potentially extend to include subsidized re-stabilization and revitalization of severely affected designated historic religious structures.

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<sup>89</sup> Ibid.

<sup>90</sup> Robert Pear. "House Approves Storm Aid for Religious Institutions." New York Times, February 18, 2013. [http://www.nytimes.com/2013/02/19/nyregion/house-approves-federal-aid-for-churches-damaged-by-hurricane-sandy.html?\\_r=0](http://www.nytimes.com/2013/02/19/nyregion/house-approves-federal-aid-for-churches-damaged-by-hurricane-sandy.html?_r=0), accessed August, 2013; GovTrack.US. "Federal Disaster Assistance Nonprofit Fairness Act of 2013 (H.R. 592)," last modified 2013. <https://www.govtrack.us/congress/bills/113/hr592>, accessed March 2014.

<sup>91</sup> Ibid.

### Chapter 3: Present Cases of Historic Religious Places



Figure 5: Historic American Buildings Survey E. H. Pickering, Photographer July 1936 NORTH SIDE AISLE LOOKING EAST, DETAIL OF COLUMNS + CAPITALS - St. Mary's Seminary Chapel, North Paca Street and Druid Hill Avenue, Baltimore, Independent City, MD.

As a response to the challenging legal situation confronting historic religious properties a range of best practices have been demonstrated for developing alternative business models and financing methods focused on providing public secular services and programming. The effort on the part of preservation and legal professionals to collect a body of case studies as evidence to advocate the successful neutral distribution and secular use of government provided restoration capital funds to historic sacred sites is underway.<sup>92</sup> Baltimore's historic urban core provides two exemplary case studies: St. Mary's Spiritual Center and Historic Site and the Jewish Museum of Maryland both have been successful in demonstrating some best practices in terms of property conservation and exhibition of religious cultural heritage. The case studies examine how these two nationally and locally designated historic sites have been preserved due to the formation of partnerships, business models, and the provision of public secular educational services and programming. The best practice findings of the case studies, along with the historical analysis, are then used to make informed recommendations to improve the preservation of 501(c)(3) non-profit-status historically designated sacred sites.

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<sup>92</sup> Schwab, Darian. 2007. "Sacred places: a preservation crusade."; Kramer, *Moving Towards Neutrality*.; Sproule, *Federal Funding for the Preservation of Religious Historic Places*.; Wiese, *Public Policy and the Non-Secular*.

## **Introduction to Case Studies**

The following case studies present two National Register-designated historic sites in Baltimore City, which were selected to reflect a prototypical post-industrial urban context. As such, the studies provide an opportunity to examine stewardship issues specifically associated with population transience that affects so many congregations countrywide, while also referencing the great number of historic religious properties within the city. Although the St. Mary's Seminary Chapel and Jewish Museum of Maryland's Lloyd Street Synagogue no longer hold regular weekly religious services, their struggle with fluctuating visitation is comparable to the membership issues of many practicing urban congregations. The Jewish Museum of Maryland's ownership and partnered stewardship of the historic B'nai Israel Synagogue additionally provides insight into how an active place of worship has dealt with preservation legal concerns surrounding the Establishment Clause issue. Examination of the two cases was limited to conducting on-site tours and interviews with the executive directors as the principal authorities and stewards of each site. Historic and original digital photographic documentation of the sites and their exhibits also was collected and used for analysis.

The following descriptions of the methods used at the sites to exhibit their history and heritage do not require visitors to participate in religious practice or hold any particular beliefs. As a result, these sites have maintained secular use restrictions required for public preservation funding for the associated restored spaces and exhibit fixtures. While the St. Mary's site emphasizes the religious history of the Roman Catholic Society of St. Sulpice (Sulpicians), it does not press any associated belief on visitors, due to focusing on the educational aspect of the site's history and material cultural. Similarly,

but in a more secularized manner, the Jewish Museum of Maryland presents the cultural heritage of Jews in Maryland as a distinctive part of Judaism's history in America. Both sites offer self-guided and docent-led tours, and St. Mary's Historic Site further includes an audio-guided tour. The high quality of the educational programming and preservation at the two historic case study sites is further supported by their membership in the Greater Baltimore History Alliance (Figure 6).

*The GBHA is a consortium of Baltimore area history museums dedicated to preserving, interpreting, and promoting local heritage.*



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Baltimore Museum of Industry  
Baltimore National Heritage Area  
Carroll Museums, Inc. (Carroll Mansion &  
Phoenix Shot Tower)  
Dundalk Patapsco Neck Historical Society  
Edgar Allan Poe House  
Evergreen Museum & Library  
The Fire Museum of Maryland  
Frederick Douglass-Isaac Myers Maritime Park  
Fort McHenry National Monument and Historic Shrine  
Garrett-Jacobs Mansion  
Gate House Museum of History  
The Gibson Museum and Treatment of Mental Illness  
Exhibit at Sheppard Pratt  
The Glenn L. Martin Maryland Aviation Museum  
Hampton National Historic Site  
Hancock's Resolution  
Historic Jonestown, Inc.  
Historic Ships in Baltimore  
Historical Society of Baltimore County  
Homewood Museum  
The Irish Shrine and Railroad Workers Museum  
**The Jewish Museum of Maryland**  
Lacrosse Museum & National Hall of Fame  
Lovely Lane Museum & Archives  
Maryland Historical Society  
Mount Clare Museum House  
National Electronics Museum  
The National Great Blacks in Wax Museum  
Old Otterbein United Methodist Church  
Preservation Society of Federal Hill and Fell's Point  
Pride of Baltimore II  
Reginald F. Lewis Museum of Maryland  
African American History & Culture  
**St. Mary's Spiritual Center & Historic Site on Paca Street**  
The Star-Spangled Banner Flag House  
The Union Mills Homestead

Figure 6: Greater Baltimore History Alliance (GBHA) member museums flyer.

## St. Mary's Spiritual Center and Historic Site



Figure 7: Historic American Buildings Survey E. H. Pickering, Photographer July 1936  
FACADE (WEST) - St. Mary's Seminary Chapel, North Paca Street and Druid Hill Avenue,  
Baltimore, Independent City, MD.

St. Mary's Spiritual Center and Historic Site operates as a 501(c)(3) non-profit organization with the primary mission of providing historic museum exhibitions, educational programming, and spiritual counseling.<sup>93</sup> St. Mary's is located at 600 North Paca Street in midtown Baltimore, and is primarily composed of the St. Mary's Seminary Chapel (Figure 7) and its modern Visitor Center addition, the Mother Anne Seton House, and the Spiritual Center building. The exhibition panels are found in both the Visitor

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<sup>93</sup> St. Mary's Spiritual Center & Historic Site. "Welcome to St. Mary's Spiritual Center & Historic Site on Paca Street!" last modified 2013. <http://www.stmarysspiritualcenter.org/>, accessed February, 2014.

Center and the Mother Anne Seton House.<sup>94</sup> The following historical interpretation is derived from these exhibition panels, the St. Mary's Seminary Chapel National Register nomination, and the St. Mary's Spiritual and Historic Site online website (Figure 8).

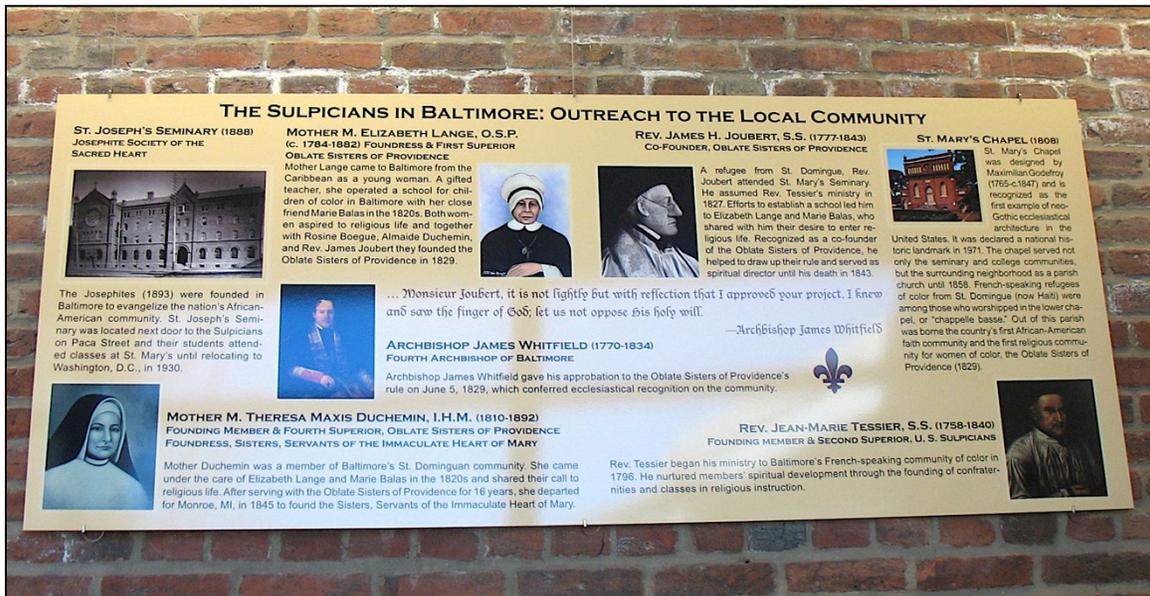


Figure 8: Exhibition panel describing the founding of the historic St. Mary's Seminary, and the site's influences on the Baltimore community.

<sup>94</sup> St. Mary's Spiritual Center & Historic Site. "Historic Panels," last modified 2013. [http://www.stmarysspiritualcenter.org/Visitor\\_Center/Historic\\_Panels.html](http://www.stmarysspiritualcenter.org/Visitor_Center/Historic_Panels.html), accessed February, 2014; St. Mary's Spiritual Center & Historic Site. "Mother Seton House," last modified 2013. [http://www.stmarysspiritualcenter.org/Mother\\_Seton\\_House/Mother\\_Seton\\_House.html](http://www.stmarysspiritualcenter.org/Mother_Seton_House/Mother_Seton_House.html), accessed February, 2014.



Figure 10: Above; various items of material culture associated with the seminary school.



Figure 9: Left; an exhibition of the vestments traditionally worn by the seminary's Sulpician priests.

B-3  
St. Mary's Seminary Chapel  
600 N. Paca Street  
Block 0546 Lot 032  
Baltimore City  
Baltimore East Quad.

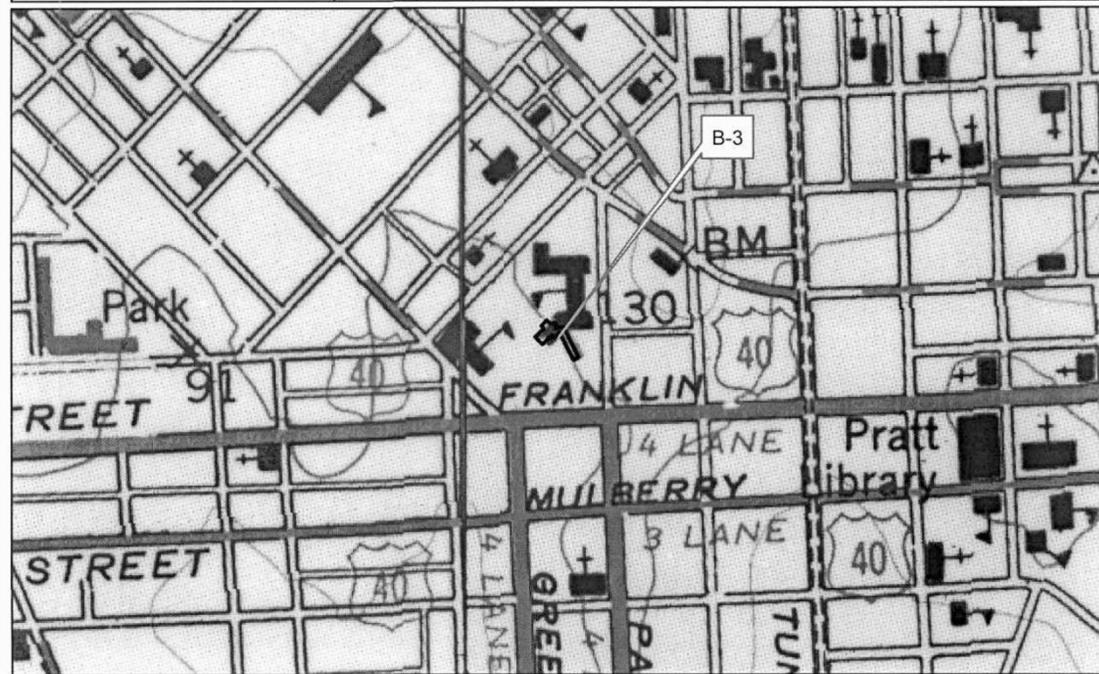


Figure 11: Location of St. Mary's Seminary Chapel and Historic Site on 600 North Paca Street in the Seton Hill Neighborhood of Baltimore, Maryland, as depicted in the site's NR/NHL forms.

The heritage of the St. Mary's site emerged from the greater State of Maryland's history of religious tolerance, which is directly connected to large groups of English Catholic immigrants, including the renowned Calvert family, colonizing the area. The early religious tolerance towards Catholics was reflected in the Maryland colony's passing of the 1649 Maryland Toleration Act, also known as An Act Concerning Religion.<sup>95</sup> Yet, five short years later, the resident Puritans overthrew Catholic control and repealed the bill, instead adopting harsh restrictions on "Catholics, Jews, Quakers, Atheists, and all dissenters."<sup>96</sup> More than 100 years passed before Catholics in Maryland regained their rights when the Declaration of Independence and Maryland State Constitution were written in 1776, the latter of which proclaimed religious freedom for all Christians.<sup>97</sup>

In 1791, John Carroll, the first Roman Catholic bishop and archbishop in America, sent for several clergymen to come to Baltimore and establish the country's first Roman Catholic seminary school.<sup>98</sup> The invited Sulpician Fathers, an order of French Roman Catholic priests, arrived in Baltimore and immediately established the St. Mary's Catholic Roman Catholic Seminary with the assistance of Bishop Carroll.<sup>99</sup> St. Mary's became the first Roman Catholic seminary in America. By the beginning of the 19<sup>th</sup> century, St. Mary's was constructed on Paca Street, in an area that was known as Baltimore's French Quarter, later recognized as Seton Hill. Unfortunately, the seminary's main building was demolished in 1969, so "the only remaining structure of the seminary

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<sup>95</sup> Edward C. Papenfuss and Gerald W. Johnson. 1999. "An Act Concerning Religion, April 21, 1649: an interpretation and tribute to the citizen legislators of Maryland : with an appendix .....", Annapolis: Maryland State Archives. <http://msa.maryland.gov/msa/speccol/sc2200/sc2221/000025/html/intro.html>

<sup>96</sup> Ibid.

<sup>97</sup> Gunn and Witte, *No Establishment of Religion*. 80-81.

<sup>98</sup> St. Mary's Spiritual Center & Historic Site. "Our History," last modified 2013.

[http://www.stmarysspiritualcenter.org/Our\\_History/Our\\_History.html](http://www.stmarysspiritualcenter.org/Our_History/Our_History.html), accessed February, 2014.

<sup>99</sup> Ibid.

is the Historic Chapel” designed by the famous French master architect Maximilian Godefroy in 1806, and completed in 1808.<sup>100</sup> The chapel building is recognized as the first example of Neo-Gothic architecture in the United States. This architectural significance led St. Mary’s Seminary Chapel to be designated as a National Historic Landmark in 1971.<sup>101</sup>



Figure 12: St. Mary’s Seminary west façade. Original photograph by Alexander Toprac, 2014.

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<sup>100</sup> St. Mary’s Spiritual Center & Historic Site. “Welcome to St. Mary’s Spiritual Center & Historic Site on Paca Street!” last modified 2013. <http://www.stmarysspiritualcenter.org/>, accessed February, 2014.

<sup>101</sup> National Register of Historic Places, St. Mary’s Seminary Chapel, Baltimore Independent City, Maryland, National Historic Landmark #71001046.

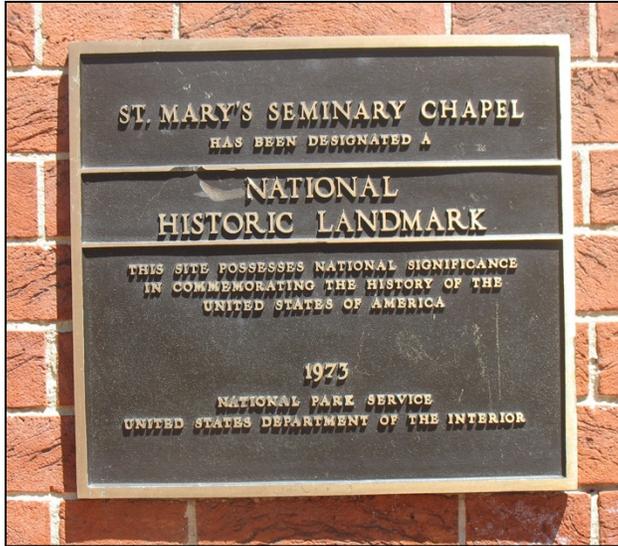


Figure 13: St. Mary's Seminary NHL Plaque, west façade. Original photograph by Alexander Toprac, 2014.

The St. Mary's Historic Site is also significant for its association with Mother Elizabeth Ann Bayley Seton, who in 1975 was canonized as the first American-born Roman Catholic saint.<sup>102</sup> In the years 1808 and 1809, Elizabeth Ann Bayley Seton lived in the historic building that has since taken her name as the Mother Seton House. After her short stay in Baltimore, she moved to live near the Sulpicians in Emmitsburg, Maryland, where she founded a school for girls. The historic house has been very well preserved thanks to Baltimore's Alcala Caravan #16 of the International Order of Alhambra, a fraternal order of Catholic men, who pledged \$25,000 for the restoration and

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<sup>102</sup> St. Mary's Spiritual Center & Historic Site. "Mother Seton House," last modified 2013. [http://www.stmarysspiritualcenter.org/Mother\\_Seton\\_House/Mother\\_Seton\\_House.html](http://www.stmarysspiritualcenter.org/Mother_Seton_House/Mother_Seton_House.html), accessed February, 2014.

maintenance of the house in 1963.<sup>103</sup> The property was officially listed in the National Register of Historic Places in 1972, and later added as a revision to the 1971 National Historic Landmark nomination of the Seminary Chapel site.<sup>104</sup> The Baltimore Commission for Historical and Architectural Preservation (CHAP) designated Mother Seton House as a local Baltimore City Landmark in 1982.<sup>105</sup>



Figure 14: St. Mary's Spiritual Center Building (left) and Mother Seton House (right). Original photograph by Alexander Toprac, 2014.

By the early 19<sup>th</sup> century, Baltimore's French Quarter had a significant population of colored French-speaking immigrants from the Central American island of St. Domingue (now divided between Haiti and the Dominican Republic). The Lower Chapel Basse of the Seminary Chapel, where Mother Seton took her vows as a convert before Bishop John Carroll, quickly became the worship site and "birthplace for the first

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<sup>103</sup> Ibid.

<sup>104</sup> Ibid.; National Register of Historic Places, St. Mary's Seminary Chapel, Baltimore Independent City, Maryland, National Historic Landmark #71001046.

<sup>105</sup> Ibid.

African-American Catholic community.”<sup>106</sup> In 1829, a Haitian immigrant, Sister Mary Elizabeth Lange, along with Sulpician Father James Hector Joubert and others, co-founded this community known as the Oblate Sisters of Providence. Sister Lange is also historically significant for having operated one of the country’s earliest schools for colored children in Baltimore around the same time period.<sup>107</sup>



Figure 15: The Lower Chapel Basse of St. Mary’s Seminary Chapel. Original Photography by Alexander Toprac, 2014.

The historic Federal-Revival-style St. Mary’s Spiritual Center building was developed in 1894 as a “convent for the Sisters of Divine Providence, who provided food and laundry services for the seminary.”<sup>108</sup> The St. Mary’s Spiritual Center currently

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<sup>106</sup> St. Mary’s Spiritual Center & Historic Site. “Historic Seminary Chapel,” last modified 2013. [http://www.stmarysspiritualcenter.org/Historic\\_Seminary\\_Chapel/Historic\\_Seminary\\_Chapel.html](http://www.stmarysspiritualcenter.org/Historic_Seminary_Chapel/Historic_Seminary_Chapel.html), accessed February, 2014.

<sup>107</sup> Ibid.

<sup>108</sup> St. Mary’s Spiritual Center & Historic Site. “St. Mary’s Spiritual Center,” last modified 2013. [http://www.stmarysspiritualcenter.org/Spiritual\\_Center/Spiritual\\_Center.html](http://www.stmarysspiritualcenter.org/Spiritual_Center/Spiritual_Center.html), accessed February, 2014.

serves as a mixed-use space with a small chapel, rooms for spiritual counseling, a conference room, administrative offices, and a single occupancy rental residence. The Executive Director of St. Mary's Spiritual Center and Historic Site, Rev. John F. Kemper, who often resides in this space, described his oversight of the restoration process and stewardship of the entire site.<sup>109</sup> The restoration of St. Mary's Seminary Chapel was completed in four phases over seven years, between 2005 and 2012. The overall expense was approximately nine million dollars. St. Mary's sought financial support from public partners and historic preservation and religious groups, but the initial restoration project did *not* use publicly subsidized funding (Appendix B-3). The conscious choice to not use public funding for interior restoration was not viewed as a lost opportunity, but instead was selected to avoid secular use restrictions and to maintain potential religious use of the worship spaces. The initial restoration project revealed additional drainage issues that continued to threaten areas of exterior brickwork on the historic chapel, however. In response, Father Kemper successfully applied for, and received, a Small Capital Improvements Grant from Baltimore Heritage Area Association (BHAA) in 2013.<sup>110</sup> Father Kemper has continued his sound preservation stewardship of St. Mary's Spiritual Center and Historic Site by recently applying for a second grant from BHAA for more exterior conservation of St. Mary's Seminary Chapel.<sup>111</sup>

The site is owned by the United States Society of St. Sulpice, which underwrites all operational expenses through their endowment. This internal source of funding is generous in directly distributing private preservation financial support, but Father

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<sup>109</sup> Rev. John Kemper. Interview by Alexander Toprac. Audio Recorded Interview. 600 N. Paca Street St. Mary's Spiritual Center, February, 7, 2014.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

Kemper has still collaborated within Baltimore and beyond to raise additional money for major capital expenditures. In doing so, St. Mary's on Paca has developed a strong community partnership with Seton Hill Association (SHA), which represents the site's historic neighborhood named after Mother Seton. St. Mary's has made space available for SHA's monthly meetings, and often rents space to various organizations for events and meetings. Some other community partners that use the space include the Baltimore City Police Department and the Great Baltimore History Alliance. By reaching out to the immediate neighborhood, local organizations, and the greater Baltimore community, St. Mary's Spiritual Center and Historic Site has achieved a high level of preservation and financial sustainability through the creation both public and private stakeholders.

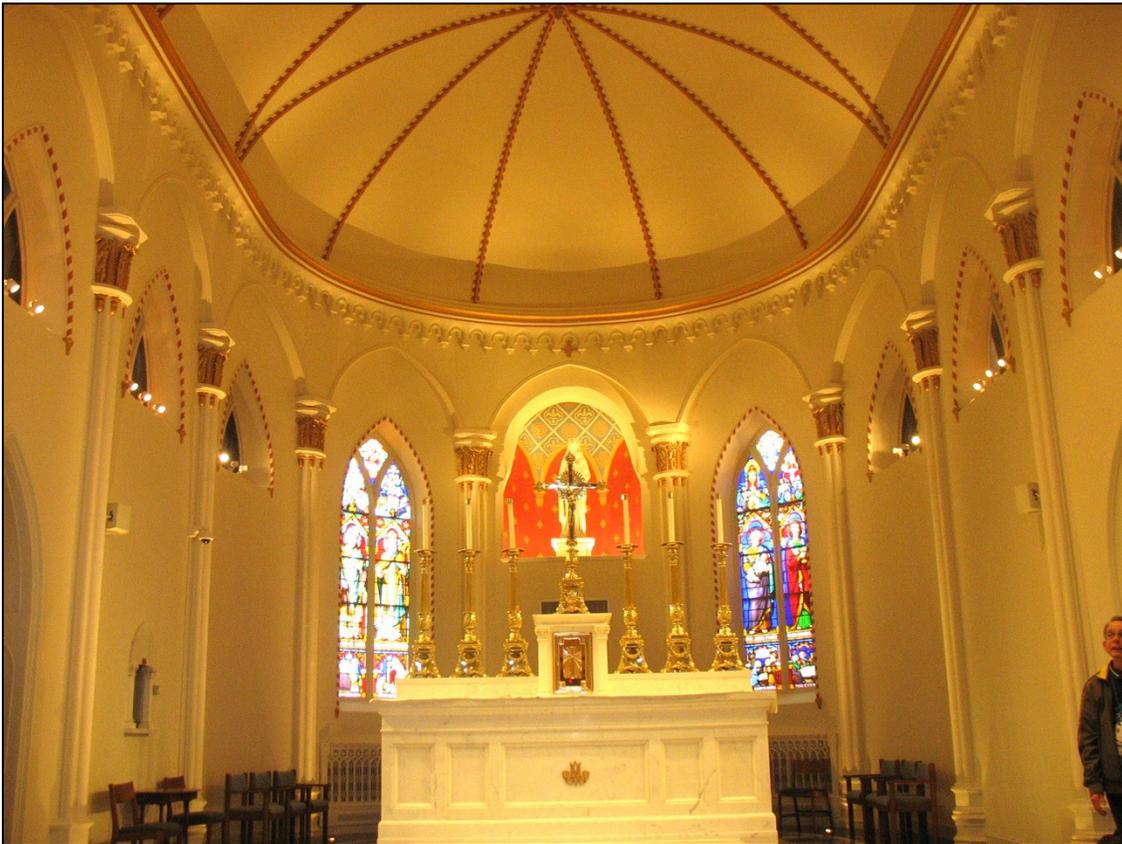
Although the exhibitions at St. Mary's Historic Site are focused on religious history, they also present the story of the 19<sup>th</sup>-century development of Baltimore's French and Central American community that largely defined the historic French Quarter, now known as Seton Hill. The site's exhibitions are objective and inclusive in their historical interpretation, with the inclusion of past Catholic religious missions and practices. These exhibitions use language that is educational, and by its factual nature, does not attempt to evangelize or proselytize Catholic dogma. Overall, the site has a feeling of openness, welcoming all races and faiths.

The message of the organization's website seems to be less restrained with one quotation in particular revealing Roman Catholic ideology:

It is our hope that the rich history of this site and the continuing work of the Spiritual Center will be a source for the re-evangelization of the people who visit here. Like hundreds of other women and men who have called this site

home for more than 200 years, our visitors can go forth to spread the gospel message and evangelize the world in which they find themselves.<sup>112</sup>

Although allowable under the First Amendment right of free exercise, these particular phrases must be avoided in all exhibitions and spaces developed with public subsidized funds in order to strictly follow secular use restriction best practices and to uphold the Establishment Clause. As the analysis of previous laws and regulations makes clear, the stewards of historic religious sites may hold and express such beliefs about religious evangelism, but may not press them on visitors of their historic site if public funds were used to provide the secular charitable benefits of educational historic exhibition and space preservation.



<sup>112</sup> St. Mary's Spiritual Center & Historic Site. "Welcome to St. Mary's Spiritual Center & Historic Site on Paca Street." Last modified 2019. <http://www.stmarysspiritualcenter.org/>. Accessed by Alexander Oluprac, 2014.

## Jewish Museum of Maryland



Figure 17: Historic American Buildings Survey EXTERIOR VIEW Lanny Miyamoto, photographer - October 1958 - Lloyd Street Synagogue, Lloyd and Watson Streets, Baltimore, Independent City, MD.

The Jewish Museum of Maryland (JMM), Herbert Bearman Campus is composed of a modern museum building situated between the historic Lloyd Street and B'nai Israel Synagogues.<sup>113</sup> The campus museum building's two large galleries are used for a variety of historical and cultural exhibits. The larger of the two spaces is used for longer-term exhibitions, such as the current "Voices of Lombard Street." Conversely, the smaller exhibition is occasionally changed throughout the year. The site's third, permanent exhibit, "The Synagogue Speaks," is located in the basement of the Lloyd Street Synagogue and presents the detailed history of the two religious buildings and their

<sup>113</sup> The Jewish Museum of Maryland. "Welcome to the Jewish Museum of Maryland!," last modified 2013. <http://jewishmuseummd.org/>, accessed February 2014.

congregations.<sup>114</sup> The following interpretation of the site’s heritage is primarily based on the Lloyd Street Synagogue National Register nomination, JMM’s exhibits and the wealth of historical information on their website<sup>115</sup> (Appendix C). The history presented is secular in nature with no attempt to proselytize and a clear primary goal of describing how several ethnic and cultural groups that happened to share the religion of Judaism came to America to seek opportunity and religious freedom. These values are essential pieces of our American heritage and cannot be excluded at the cost of denying whole sets of ethnic and cultural groups their place in history.



Figure 18: A northeast view of the two historic religious buildings, the Lloyd Street Synagogue (left) and B’nai Israel Synagogue (right), with the Jewish Museum of Maryland (center) connecting the sites in what is known as the Herbert Bearman Campus. Original photograph by Alexander Toprac, 2014.

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<sup>114</sup> The Jewish Museum of Maryland. “Current Exhibits,” last modified 2013. <http://jewishmuseummd.org/exhibits/current-exhibits/>, accessed February 2014.

<sup>115</sup> National Register of Historic Places, Lloyd Street Synagogue, Baltimore Independent City, Maryland, National Register #78003142.

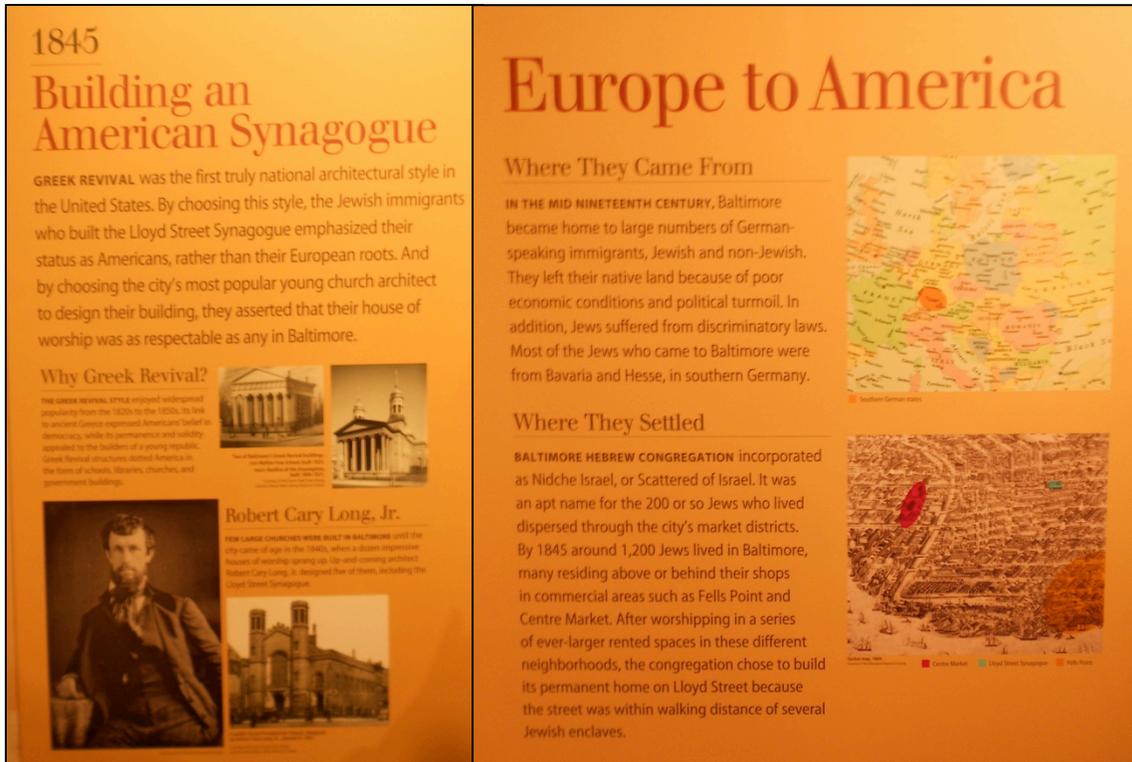


Figure 20: Examples of secular educational history panels in the JMM's Synagogue Speaks exhibition: Above, describing the architecture of Lloyd St. Synagogue (*left*) and Jewish immigration to Baltimore (*right*).

Figure 19: Below, describing the history of Baltimore Lithuanians using the Lloyd St. Synagogue as St. John the Baptist Catholic Church.



B-20  
Lloyd Street Synagogue  
11 Lloyd Street  
Block 1362 Lot 001  
Baltimore City  
Baltimore East Quad.

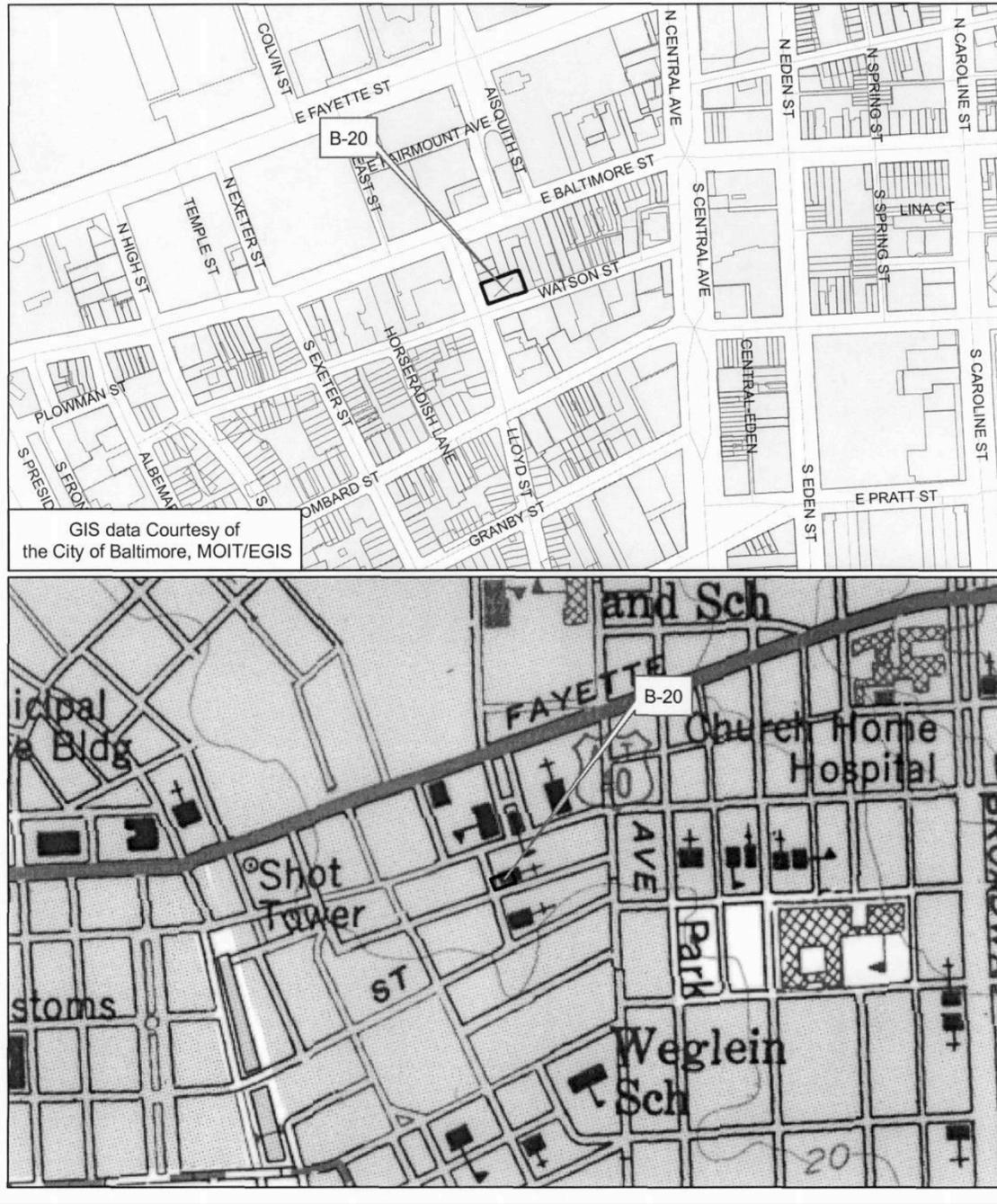


Figure 21: Location of the Lloyd Street Synagogue, at 11 Lloyd Street, with the adjacent Jewish Museum of Maryland at 15 Lloyd Street, in the Jonestown Neighborhood of Baltimore, Maryland as depicted in the site's NR form.

In the first half of the 19<sup>th</sup> century most of Baltimore's earliest Jewish citizens emigrated from central Europe, and were comprised of Germans, Bavarians, Austrians, and the Dutch. Around 1819, when “there were only about 150 Jews in Maryland,” a liberal Scottish Presbyterian member of the House of Delegates named Thomas Kennedy began the political pursuit for Jewish tolerance.<sup>116</sup> Kennedy’s strong desire to create legal religious tolerance for citizens of all faiths led to his drafting of the Jew Bill, which became law in 1825.<sup>117</sup> Within the following months after the bill’s official ratification, two Jews were elected as members of Baltimore City Council.<sup>118</sup>

By 1845, a congregation of Jews, known variously as the *Baltimore Hebrew Congregation* and the *Stadt* [City] *Shul*, came together to construct the first synagogue in Maryland. Lloyd Street Synagogue is now the third oldest standing synagogue in the country.<sup>119</sup> As there were no Jewish architects in Baltimore around the time of construction, the congregation hired a popular Baltimore-native non-Jewish architect named Robert Carey Long, Jr. to build a temple in the then-popular Greek Revival-style.<sup>120</sup> Initially afraid to display any symbol or open acknowledgment of their Judaism to the public, the only indication of the synagogue’s Jewish association was the circular stained glass window with the *Magen David*, or Star of David, on the east wall of the building (not facing the street). The choice of location for this important window was not surprising as the altar and *bimah*, which is the raised platform containing the pulpit, are almost always placed on the east side of American synagogues so the congregation faces

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<sup>116</sup> Papenfuse and Johnson, *An Act Concerning Religion*.

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

<sup>119</sup> The Jewish Museum of Maryland, *The Synagogue Speaks*.

<sup>120</sup> The Jewish Museum of Maryland. “Lloyd Street Synagogue,” last modified 2013. <http://jewishmuseummd.org/visiting/lloyd-street-synagogue/>, accessed February, 2014.

and prays toward Israel. Another defining feature was added in 1861, when the growth of the congregation led to hiring another architect, William H. Reason, to expand the east side of the building an additional 30 feet and to excavate a basement level with a separate, housed *mikveh*, or ritual bath<sup>121</sup> (Appendix C-2).



Figure 22: Lloyd Street Synagogue exterior, southwest. Original photograph by Alexander Toprac, 2014.

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<sup>121</sup> Ibid; Louis F. Cahn, 1981. *The Restoration of the Lloyd Street Synagogue*. Maryland: Jewish Historical Society of Maryland. Maryland : Jewish Historical Society of Maryland, 1-2.



Figure 24: Lloyd Street Synagogue interior, facing *bimah* (alter). Original photograph by Alexander Toprac, 2014.



Figure 23: Lloyd Street Synagogue's Star of David Stain Glass Window, east interior elevation. Original photograph by Alexander Toprac, 2014.

As the congregation grew, so did differences in belief between members as ideas from the Reform movement were becoming popular at the beginning of the second half of the 19<sup>th</sup>-century. The question of upholding traditional religious and cultural practices while facing the challenges of surviving in America was at the root of the conflict. In 1871, the more orthodox members who sought to keep to the *old-world* traditions split from the congregation to form the Chizuk Amuno congregation. By 1873, the ornate Moorish Revival-style Chizuk Amuno synagogue was built on Lloyd Street just down the block from the Baltimore Hebrew Congregation synagogue.<sup>122</sup> As the members of the Baltimore Hebrew Congregation became more successful at their trades and businesses, they became socially and economically mobile, moving to the more desirable neighborhoods northwest near the newly established Druid Hill City Park.<sup>123</sup>

By 1889, Baltimore Hebrew Congregation was ready to follow its members and move to this new area of town. The temple building was sold for \$12,000 to Catholic Lithuanian immigrants to be used as a church, which continued for sixteen years.<sup>124</sup> Recognized as St. John the Baptist Lithuanian Catholic Church by the Archdiocese of Baltimore, the building took on the addition of a bell tower, and installation of a Catholic altar, crucifix, baptismal font, and statuary. Ten years after completing these alterations, the church sold the building back to a traditional Orthodox Jewish congregation of Eastern European immigrants, mostly originating from Poland and Russia.<sup>125</sup>

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<sup>122</sup> The Jewish Museum of Maryland. "B'nai Israel Synagogue," last modified 2013. <http://jewishmuseummd.org/visiting/bnai-israel-synagogue/>, accessed February, 2014.

<sup>123</sup> The Jewish Museum of Maryland, *The Synagogue Speaks*.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

This new congregation, Shomrei Mishmere Ha-Kodesh, converted the building back into a synagogue in 1905.<sup>126</sup> From 1910-1920, the lower level *mikveh* area was renovated with two new tiled baths and other contemporary finishes. In 1997 and 1998, an archaeological excavation of the original *mikveh* was conducted, photo-documented and printed as a floor-mounted poster to relate the findings to museum visitors, while simultaneously conserving the later aforementioned renovation. The Shomrei Mishmere Ha-Kodesh congregation stayed for 55 years in the temple, functioning as a beacon of traditional, old-country religious practices in the heart of an unquestionably modern American city. By the end of World War II, most congregation members were following the trend of moving to the northwest neighborhoods in the city. In the 1950's, the building fell into disrepair, and once again was put on the market.<sup>127</sup>

Initial plans called for selling and demolishing the historic synagogue to turn the space into a parking lot, but the formation of the Jewish Historical Society of Maryland in 1962 allowed the building to be saved.<sup>128</sup> The Society envisioned turning the first synagogue of Maryland into the museum it is today. By 1967, within their first five years of ownership, the Society had hired a new architect to stabilize and replace the roof, and remodeled the lower level as a permanent exhibition area. In 1979, after completing major renovations to the Lloyd Street Synagogue, the Jewish Historical Society began to turn its attention to the deteriorating B'nai Israel Synagogue.<sup>129</sup> By the early 1980's, members of the Jewish Historical Society successfully pushed for the historic buildings' renovations, and gained the support of the city through Mayor William Donald

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<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> Cahn, *The Restoration of the Lloyd Street Synagogue*, 5-21.

<sup>129</sup> Fred Shoken. "A History of the B'nai Israel Congregation of Baltimore City," last modified 2013. <http://www.bnaisraelcongregation.org/history.php>, accessed February, 2014.

Schaefer.<sup>130</sup> The Society together with the Associated Jewish Charities and the B'nai Israel congregation raised funds to begin the restoration process. The Society took ownership of the B'nai Israel Synagogue as they had done earlier with the Lloyd Street Synagogue, and began restorations while simultaneously constructing the Jewish Heritage Center museum building between the two historic religious properties.<sup>131</sup> The Society, soon to be renamed the Jewish Museum of Maryland (JMM), received Maryland Historical Trust grants through contractual easements for the B'nai Israel restorations. These public funds were used for both exterior and interior restoration with the legal agreement that these spaces be open for tours by public visitors to the museum despite being used by a practicing congregation.<sup>132</sup> This agreement was achieved by JMM maintaining ownership of the B'nai Israel Synagogue, but leasing it back to the congregation for a symbolic fee of one dollar a year.

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<sup>130</sup> Ibid.

<sup>131</sup> Cahn, *The Restoration of the Lloyd Street Synagogue*, 5-21.

<sup>132</sup> Shoken, *A History of the B'nai Israel Congregation*.



Figure 25: B'nai Israel Synagogue interior, which still functions as an active place of congregational worship. Original photograph by Alexander Toprac.

In 1987, the new Jewish Museum of Maryland completed the aforementioned restoration and construction efforts, and opened up both of the historic religious synagogues to the public.<sup>133</sup> Further restorations to the Lloyd Street Synagogue in 1991 allowed the sanctuary to be repainted to match the 1871 paint scheme, and in 2008, the exterior was painted to replicate the 1860's paint colors.<sup>134</sup> The most recent capital expenditures for preservation maintenance, restoration, and archaeology are noted as being supported by subsidized funds as described below (Appendix C-4).

The JMM's current executive director, Marvin Pinkert, has continued to lead the 501(c)(3) non-profit organization in the ongoing mission to create public educational programming and exhibits that reflect the gathering, preservation, and study of the history of Jews in Maryland.<sup>135</sup> The JMM works in its local community as members of the Jonestown Planning Council. Mr. Pinkert emphasized that the JMM does not conduct religious services or advocate a particular religious belief.<sup>136</sup> The JMM's large archival collection continues to grow in size with a staff that actively studies the materials being preserved to provide Jewish heritage and genealogical research. Mr. Pinkert also noted that the JMM is an accredited member of the American Alliance of Museums.<sup>137</sup>

The JMM is a constituency agency of the partnership organization known as The Associated Jewish Federation of Baltimore. The JMM is funded approximately 48% by fundraising, 30% via their endowment, 15% by allocation from the Federation, and 5%

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<sup>133</sup> Jewish Museum of Maryland. "Timeline 1950-Present," last modified 2013.

<http://jewishmuseummd.org/exhibits/timeline/timeline-1950-present/>, accessed February, 2014.

<sup>134</sup> The Jewish Museum of Maryland, *The Synagogue Speaks*,

<sup>135</sup> Marvin Pinkert. Interview by Alexander Toprac. Audio Recorded Interview. 15 Lloyd Street, February, 21, 2014.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

from membership and admissions.<sup>138</sup> The Lloyd Street Synagogue is also occasionally rented for celebratory life-events such as weddings, excluding use on the Sabbath (Saturday). Since 1986, the JMM has received an almost continuous stream of grants from city, state, and federal agencies to conduct architectural and archaeological investigations at Lloyd Street Synagogue, as well as to carry out structural repairs at both the Lloyd Street Synagogue and B'nai Israel Synagogue. These public funds were used to restore both interior and exterior finishes, and also have been used to develop accurate historical interpretation for the museum and both synagogues.<sup>139</sup> A portion of the federal funding received by Lloyd Street Synagogue was in the form of a Save America's Treasures grant, which is documented on the NPS website as disbursing \$123,000 in 2008.<sup>140</sup> Both historic synagogues are additionally protected under easements maintained by the Maryland Historical Trust. In experiencing the historical exhibits at the site, there is absolutely no attempt to convert visitors to Judaism or pressure to accept Jewish beliefs. By having a clear educational focus on the history and culture of Maryland's Jewish immigrants and their descendants, the JMM has allowed itself a greater ease of access to these public subsidized preservation funds.

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<sup>138</sup> Ibid.

<sup>139</sup> Avi Decter. Questionnaire by Alexander Toprac. Email Questionnaire. Correspondence on March 22, 2014.

<sup>140</sup> National Park Service. "Save America's Treasure Search Results of Funded Projects", last modified 2014. <http://grants.cr.nps.gov/treasures/Results.CFM>, accessed 2014.

## **Analysis of the Case Studies**

The history exhibited at the JMM is designed to be inclusive in seeking to educate the greatest audience possible about the distinctly unique histories of different Jewish European ethnic groups and the cultures they brought to America and the State of Maryland. It is significant that the Catholic French and Central American immigrants associated with St. Mary's Seminary Chapel share the same 19<sup>th</sup>-century history of immigrants struggling to succeed, adapt, and assimilate to American life in Baltimore. The agenda to document and exhibit American cultural heritage through the history of ethnic groups is a major goal of the National Park Service specifically, and historic preservationists in general. Just as racial and ethnic diversity has been found to achieve multiple perspectives in history, so religious plurality must be accepted to represent the variety of spiritual beliefs held by groups of immigrants accessing our country's proud freedom of religion. To make this happen, historic preservationists as well as the National Park Service and associated professional agencies nationwide should take a neutralist religious stance.

Before recommending how to confront the Establishment Clause issue specifically for the sake of preserving historic religious sites, it is important to review some of the lessons presented by the preceding case studies. First, both sites provide various educational programming, exhibits, events, and services to the public. They occasionally rent space, and more often share space with various partners. They also actively maintain partnerships with various agencies and non-profit organizations as well as participate in public efforts through collaborating and planning with their neighborhood organizations and the City of Baltimore. Both historic case study sites are

quite fortunate to receive funding for physical preservation and historic interpretation through endowments and wealthy stake holding organizations. Yet, most of these funding sources were developed over time through social networking, partnerships, and community participation.

To better ensure the conservation of such American sacred places will require the support of preservation policy and law in combination with the private and public partnerships, outreach, and activity of the stewards of these sites. The stewards hold the greatest responsibility in ensuring the economic feasibility and preservation of these historic sites by following the aforementioned best practices, which most importantly include: (1) being open to the public; (2) upholding secular use restriction standards in historical exhibition; and (3) providing some form of secular public service, which often means dynamic use of the property and sharing space with partner organizations. These three essential best practices allow such historically designated religious sites to receive subsidized preservation funding for ensuring a secular educational purpose and therefore avoiding possible claims asserting violation of the Establishment Clause.

## **Chapter 4: Recommendations for the Future of Historic Religious Site Preservation**



Figure 26: St. Mary's Seminary Chapel interior, facing congregational space. Original photograph by Alexander Toprac, 2014.

Prior to analyzing the policy and law surrounding this Constitutional issue, it is crucial to recognize that religious freedom is at the core of American values as the initial impetus for many immigrants predating the Establishment Clause. In writing the Bill of Rights, the founding framers recognized the value in the freedoms of religious exercise and speech.<sup>141</sup> By making them rights by law the Establishment Clause precluded the secular government from taking preference, or *establishing*, one religion over another. With these freedoms, they began the ongoing political conversation of what the relationship between religion and the government should be. It is important to recognize that separation of church and state and neutralism are not necessarily opposed, but two different interpretations that can be used as tools to benefit the greater public. Therefore, the following recommendations first call for both the activation *and* reform of current preservation policy and law to allow neutrally based subsidized funding for designated historic religious properties. Second, the stewards of historic sacred sites are asked to accept the greater responsibility of creating revenue for preservation by entering into community partnerships, opening their sites to the public, mounting non-indoctrinating exhibits, and sharing their spaces with partner groups. Finally, the loftier goals of policy and regulatory law formation are recommended to ensure legal distribution of preservation funds to designated historic religious sites.

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<sup>141</sup> Gunn and Witte, *No Establishment of Religion*.

## Activation and Reform

A fundamental concern of our federal and state governments is to uphold the law in a just manner, which for this subject means ensuring that the Establishment Clause is not violated. In other words, it is the government's responsibility to make sure that publicly subsidized money is not illegally used to promote or advance religious purposes. Yet, this does not mean that public funds should not be made available to officially designated historic religious entities providing proven secular public benefits, such as for the educational exhibition of historic sacred sites. This neutralist exception points to the need for guidelines, if not regulations, to make sure that subsidized funds are spent legally. Regulation can often become a review process, which would be viewed as burdensome if made the responsibility of the government. In order to guide the legal distribution of subsidized funds to historic sacred places, it is recommended that the NPS activate the currently established laws, and that sound policies must be at the foundation of this process. After these initial steps are taken to create political momentum and precedence, the formation of statutory law may be taken on as a long-term goal for the future.

It is recommended that for historic religious resource preservation the steward of the sites should be made responsible to meet a certain set of secular use restriction guidelines when seeking government conservation funding. Policy creation can begin in the form of a NPS bulletin, similar to the one on criteria mentioned previously.<sup>142</sup> This bulletin would directly regard special legal considerations for historically designated

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<sup>142</sup> United States. 1997. *How to apply the National Register criteria for evaluation*. [Washington, D.C.]: U.S. Dept. of the Interior, National Park Service, Interagency Resources Division. <http://www.nps.gov/nr/publications/bulletins/nrb15/>.

religious resources, and dually should be used to present a firm neutralist stance for the agency. NPS should feel confident in taking this viewpoint as they have already established, along with other government programs, several precedent cases in which federal money was given for the preservation of historic religious sites as described above. The NPS bulletin should begin to outline secular use restriction best practices for historic religious resource exhibitions that can then be used to create official guidelines. Such a policy document should be organized similarly to the Secretary of the Interior's *Standards of Historic Rehabilitation*, which presents best practices and requirements for projects to qualify for financial benefits such as rehabilitation tax credits, preservation grants and easements (Appendix A-3). The following list represents a set of 5 potential guidelines for the creation of a "Secretary of the Interior's *Standards of Secular Use Restriction for Historic Religious Resource Exhibition*," which is based primarily on the *Lemon-Agostini* test and the first two takeaways of the case studies: (1) being open to the public, and (2) upholding secular use restriction standards in historical exhibition. Also, recall that the *Lemon-Agostini* test simply asks whether subsidized funds have the purpose or effect of advancing religion with three criteria to ensure these funds do not: (1) result in governmental indoctrination; (2) define its recipients by reference to religion; (3) or create an excessive entanglement.<sup>143</sup> These measures, instead of being placed on the government agency providing the subsidy, are turned into a set of stewardship responsibilities in the recommended *Standards* below (Figure 27). Thus, the burden of proof concerning how public preservation funds are spent should be guided by a policy of certifiable best practices that stewards can choose to follow if seeking such subsidies.

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<sup>143</sup> Mahaney, *The California Missions Preservation Act: Safeguarding our History*, 1535; Hart, *God's Work, Caesar's Wallet*, 1104.

Figure 27: Secretary of the Interior's Standards of Secular Use Restriction for Historic Religious Resource Exhibition (As Proposed)

1. Spaces receiving public subsidized funds must be accessible to the common public.
2. Physical accommodation of visitors should reflect the same protocols used at analogous non-religious historic sites.
3. Presentation of publicly funded exhibition and preserved historic spaces may not advance the beliefs or interest of that religious creed (i.e. uphold secular use restrictions).
4. Prayer services within historic interiors that have received public funding must be open to respectful members of the public, but must not require visitor participation in worship or religious practices (i.e. voluntary participation of visitors must be optional).
5. Strictly concerning publicly funded resources, exhibition of religious beliefs and practices must be objectively demonstrated as being held by followers of that particular creed or culture, and absolutely not expected of visitors.

Returning to the political heart of the Establishment Clause issue in terms of historic interpretation, the time has come for preservationists and historians to rally for the conservation of our country's pluralistic religious heritage. The National Park Service is already known to pursue diversity in the documentation of history, particularly by capturing the heritage and cultural experience of various ethnic and racial groups. In fact, this objective professional standard of diversity and pluralism within history was demonstrated by NPS in the LaPurisma restoration by the Civilian Conservation Corps and the aforementioned five National Historic Site church and synagogue designations used to create the religious exceptions clause.<sup>144</sup> More recently, NPS has produced several heritage initiatives and corresponding theme studies to guide the process of surveying and documenting cultural resources and their history as associated with a specific group of people.<sup>145</sup> One of these is the Latino American Heritage Initiative, which since 2011 has provided a context and framework for the interpretation and historic designation of Latino American historic sites, and encouraged further documentation of previously designated cultural resources. Since NPS has been quite successful with this particular program, the agency should feel confident in using the Latino American Heritage Initiative as political leverage in funding the California Missions Act. The NHPA Section 103(e)(4) clause permits such grants for secular purposes, so the concern is that some of these California mission churches are still operating as active places of worship.<sup>146</sup> The Mission Act is set up to distribute federal money to the 501(c)(3) non-profit

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<sup>144</sup> Sprinkle, *Crafting Preservation Criteria*, 130-148; Kimbro, Costello, and Ball, *The California Missions*, 70.

<sup>145</sup> National Park Service. "Your Story is America's Story: Heritage Initiatives," last modified 4/16/2014. <http://www.nps.gov/heritageinitiatives/>, accessed March, 2014.

<sup>146</sup> United States. 1993. National Historic Preservation Act of 1966, as amended.

California Mission Foundation, which would oversee the granting of preservation funds to the missions as needed. This collaborative could be further strengthened by replicating a similar contractual easement relationship as previously required by the Historic Sites Act of 1935, and currently practiced by State Historic Preservation Offices and local preservation agencies to ensure that the recommended *Standards* or similar guidelines are followed.<sup>147</sup> As previously mentioned, the Jewish Museum of Maryland exemplifies this best practice with its agreement with the B'nai Israel congregation.<sup>148</sup>

Along with these efforts, NPS should continue to seek refunding Save Americas Treasures, or creating a similar subsidized preservation grant program for the most endangered and historically significant sites. Such grants would not be questioned for dangerously deteriorating historic religious sites that follow the recommended *Standards*, especially with the recent change in FEMA policy to allow disaster relief to religious non-profit organizations providing secular services.<sup>149</sup> Furthermore, if such a set of secular use restriction standards were established, stewards of historic religious sites could better demonstrate the proper use of the associated public preservation funding.

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<sup>147</sup> Shoken, *A History of the B'nai Israel Congregation*.

<sup>148</sup> Ibid.

<sup>149</sup> Robert Pear. "House Approves Storm Aid for Religious Institutions." *New York Times*, February 18, 2013. [http://www.nytimes.com/2013/02/19/nyregion/house-approves-federal-aid-for-churches-damaged-by-hurricane-sandy.html?\\_r=0](http://www.nytimes.com/2013/02/19/nyregion/house-approves-federal-aid-for-churches-damaged-by-hurricane-sandy.html?_r=0), accessed August, 2013.

## Stewardship Preservation Responsibilities

Upholding a set of *Standards*, as presented by the recommended guidelines, must develop the expectation that stewards maintain programmatic and financial documentation regarding their following of secular use restrictions with publicly funded historical exhibitions and restored spaces. The managers of the two case study properties were successful at providing such documentation, which demonstrated that all subsidized preservation funding was used for spaces open to the public and for their secular educational exhibits. In the case of the Jewish Museum of Maryland, preservation funding was received for both exterior *and* interior restoration with the agreement that these spaces are open for exhibition to public visitors.<sup>150</sup> In the case of St. Mary's Spiritual Center and Historic Site, subsidized preservation funds have been limited to exclusively external features, such as fixing drainage problems, which are all associated with publicly visible facades of the building.<sup>151</sup> Both sites have transcended exhibition of simple religious history by emphasizing the greater educational aspects of their history as it relates to cultural practices and immigrant ethnic groups, as well as the process of American assimilation. Therefore, the secular use restriction best practice of presenting the essential history of early Americans seeking religious tolerance has also allowed these two historic sites to receive subsidized preservation funds.

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<sup>150</sup> Marvin Pinkert. Interview by Alexander Toprac. Audio Recorded Interview. 15 Lloyd Street, February, 21, 2014; Avi Decter. Questionnaire by Alexander Toprac. Email Questionnaire. Correspondence on March 22, 2014.

<sup>151</sup> Rev. John Kemper. Interview by Alexander Toprac. Audio Recorded Interview. 600 N. Paca Street St. Mary's Spiritual Center, February, 7, 2014.

Requiring the stewards of the sites to take the responsibility to comply by the *Standards* should allow Establishment Clause preservation cases to be resolved more easily outside of the court system. This is simply achieved by holding the stewards responsible for qualifying expenditures of subsidized funds to show they follow the secular use restriction guiding policy. This would be a similar process as qualifying expenses in the certification of historic rehabilitation tax credit or providing receipts in grant follow-ups, as a condition of receiving the neutral-based government support. This type of guiding policy can be very effective at a low cost as it does not ask the NPS or the State Historic Preservation Offices to add a burdensome amount of regulation, programming, and review. In fact, the required qualifying secular use restriction documentation with budgetary specifications would only be called upon in the rare case of violating the Establishment Clause.

Providing secular public services, as the third takeaway from the case studies, requires stewards of historic religious properties to think about how to share and use their space in a dynamic way. Partners for Sacred Places is a staunch advocate of this method, and along with the case studies, they have shown how historic religious properties can develop various sources of funding through such means. This is particularly true about space sharing, as the practice lends itself to socially and economically beneficial partnerships. Such public and private partnerships were essential to the restoration of both case study sites, and were developed through community outreach and the secular provision of educational exhibition and programming. The two case study sites regularly hold events open to the public and use their buildings for multiple purposes, such as with The Jewish Museum of

Maryland's growing historic archives and St. Mary's space-sharing with the Seton Hill Neighborhood Association and Baltimore City Police Department. These best practices attract partners and preservation funding that potentially could be subsidized from a public agency, but is beneficial to the conservation of these sites regardless of the source.

### **Future Policy and Law Formation**

In the future, after accomplishing the more immediately achievable steps of activating and reforming existing preservation policy and law, the guideline framework of the proposed *Standards of Secular Use Restriction* could be extended as an analogous set of reviewable criteria. This would put more review responsibility on NPS and the State Historic Preservation Offices, but would ensure that designated historic religious sites would not violate the Establishment Clause through regulatory statutory law. This law could be added as a revision to the aforementioned National Historic Preservation Act Section 103(e)(4) that already addresses subsidized grants for designated historic religious sites.<sup>152</sup> The NHPA's National Register Criteria and integrity regulations could be used as a model to create public benefit criteria and secular use restriction regulations. This would allow the assessment to be clearly defined in order for secular benefits to be identified and reviewed in the qualifying process. Furthermore, legal definitions of terms such as "secular," "religious," "indoctrinating," "educational," "public benefit," "public welfare," and several others surrounding this issue should be created and added to the NHPA's formal language.

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<sup>152</sup> United States. 1993. National Historic Preservation Act of 1966, as amended.

Although these long-term recommendations may not be necessary, they are certainly important to consider as potential solutions to the legal problem should it continue.

## **Conclusion**

Although historic religious properties in our country face unique financial and legal challenges, the evident public value of these sites has called attention to their distinct preservation needs. As the National Park Service enters further into the 21<sup>st</sup> century, both new and old considerations of historic religious properties should be regarded to more effectively provide for the preservation of these significant cultural resources. Taking a neutralist policy stance will allow the National Park Service to lead the field of historic preservation in perpetuating the story of the nation's ethnically diverse pluralistic heritage. In accepting and responding to our pluralistic nation, historic preservationists can feel more confident in future conservation of not only historically designated churches and synagogues, but mosques as well as Buddhist and Hindu temples and various other sacred sites.

Whether NPS takes this stance or not, historic preservation's inherent neutralist ideology will continue to be a point of contention with each case heard by the United States Congress and Supreme Court. Unfortunately, these decisions are subject to a slow case-by-case evolution of precedent interpretation that marks the judicial review process, when already existing preservation law and policy could be activated and reformed to take a strong policy stance on the issue in regard to officially designated historic properties. Lack of such legal standing drives our country's historic religious properties that do provide secular public benefits to

depend exclusively on fundraising, charity, and philanthropy for essential financial support.

As a professional field with a government bureaucracy at the federal, state, and local levels, preservation has already fundamentally broken a strict separation of church and state interpretation of the Establishment Clause by funding the restoration of certain historic religious sites. NPS and the SHPOs, in particular, must continue to move forward with the secular agenda of providing multiple perspectives within our country's history. Inclusion of pluralism as a definitive form of diversity should be achieved by advocating a neutralist preservation perspective.

Separationists may continue to make efforts to prevent government expenditure on the rehabilitation and conservation of our country's historic sacred places. Yet, the partnership and collaborative effort of the stewards of these sites and the preservation bureaucracy can gain support for neutralist funding. Effective policy and law can guide and assist effective stewardship to ensure viable preservation of our country's historic religious properties, the heritage they represent, and the secular public benefits they offer as non-profit organizations.

## Appendices

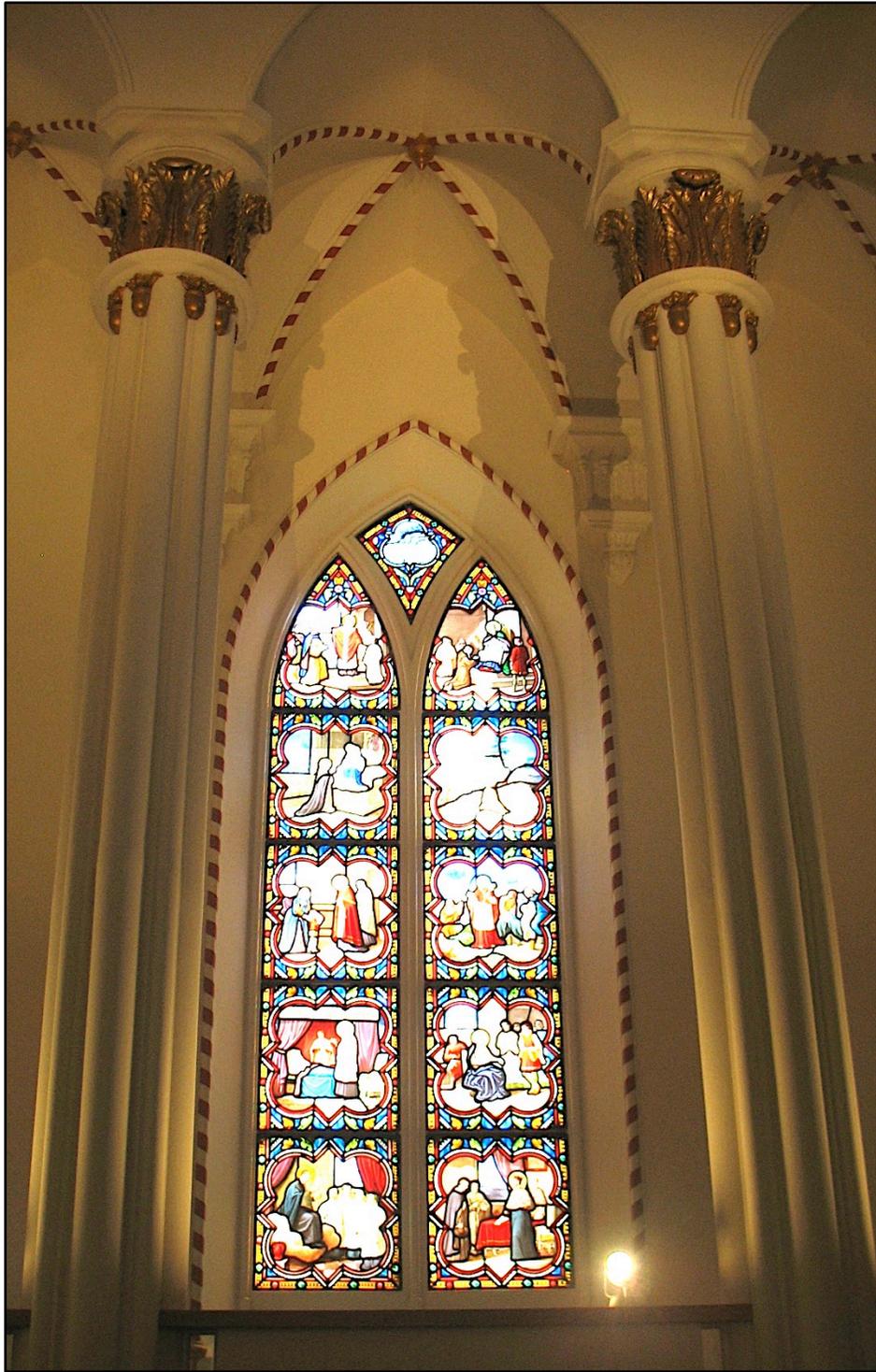


Figure 28: Detailed interior image of a stain glass window inside St. Mary's Seminary Chapel. Original photograph by Alexander Toprac, 2014.

## APPENDIX A: Supporting Policy and Legal Documentation

### A-1: The National Register Criteria and Criteria Considerations

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# II. THE NATIONAL REGISTER CRITERIA FOR EVALUATION

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## CRITERIA FOR EVALUATION:<sup>3</sup>

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.

## CRITERIA CONSIDERATIONS:

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties *will qualify* if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- b. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or
- d. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- g. A property achieving significance within the past 50 years if it is of exceptional importance.

United States. 1997. *How to apply the National Register criteria for evaluation*. [Washington, D.C.]: U.S. Dept. of the Interior, National Park Service, Interagency Resources Division, p. 72.  
<http://www.nps.gov/nr/publications/bulletins/nrb15/>

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<sup>3</sup>The Criteria for Evaluation are found in the *Code of Federal Regulations, Title 36, Part 60*, and are reprinted here in full.

## A-2: The California Missions Preservation Act

H. R. 1446

# One Hundred Eighth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,  
the twentieth day of January, two thousand and four*

## An Act

To support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “California Missions Preservation Act”.

### SEC. 2. DEFINITIONS.

In this Act:

(1) CALIFORNIA MISSION.—The term “California mission” means each of the 21 historic Spanish missions and one *asistencia* that—

(A) are located in the State;

(B) were built between 1769 and 1798; and

(C) are designated as California Registered Historic Landmarks.

(2) FOUNDATION.—The term “Foundation” means the California Missions Foundation, a nonsectarian charitable corporation that—

(A) was established in the State in 1998 to fund the restoration and repair of the California missions; and

(B) is operated exclusively for charitable purposes under section 501(c)(3) of the Internal Revenue Code of 1986.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of California.

### SEC. 3. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into a cooperative agreement with the Foundation to provide technical and financial assistance to the Foundation to restore and repair—

(1) the California missions; and

(2) the artwork and artifacts associated with the California missions.

(b) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The cooperative agreement may authorize the Secretary to make grants to the Foundation to carry out the purposes described in subsection (a).

(2) **ELIGIBILITY.**—To be eligible to receive a grant or other form of financial assistance under this Act, a California mission must be listed on the National Register of Historic Places.

(3) **APPLICATION.**—To receive a grant or other form of financial assistance under this Act, the Foundation shall submit to the Secretary an application that—

(A) includes a status report on the condition of the infrastructure and associated artifacts of each of the California missions for which the Foundation is seeking financial assistance; and

(B) describes a comprehensive program for the restoration, repair, and preservation of the infrastructure and artifacts referred to in subparagraph (A), including—

(i) a description of the prioritized preservation activities to be conducted over a 5-year period; and

(ii) an estimate of the costs of the preservation activities.

(4) **APPLICABLE LAW.**—Consistent with section 101(e)(4) of the National Historic Preservation Act (16 U.S.C. 470a(e)(4)), the Secretary shall ensure that the purpose of any grant or other financial assistance provided by the Secretary to the Foundation under this Act—

(A) is secular;

(B) does not promote religion; and

(C) seeks to protect qualities that are historically significant.

(c) **REVIEW AND DETERMINATION.**—

(1) **IN GENERAL.**—The Secretary shall submit a proposed agreement to the Attorney General for review.

(2) **DETERMINATION.**—A cooperative agreement entered into under subsection (a) shall not take effect until the Attorney General issues a finding that the proposed agreement submitted under paragraph (1) does not violate the establishment clause of the first amendment of the Constitution.

(d) **REPORT.**—As a condition of receiving financial assistance under this Act, the Foundation shall annually submit to the Secretary and to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the status of the preservation activities carried out using amounts made available under this Act.

#### **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act \$10,000,000 for the period of fiscal years 2004 through 2009.

(b) **MATCHING REQUIREMENT.**—Any amounts made available to carry out this Act shall be matched on not less than a 1-to-1 basis by the Foundation.

(c) **OTHER AMOUNTS.**—Any amounts made available to carry out this Act shall be in addition to any amounts made available

**A-3:****Secretary's Standards for Rehabilitation**

Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as "certified rehabilitations" eligible for the 20% rehabilitation tax credit. The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

The Standards apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

# APPENDIX B: St. Mary's Spiritual Center and Historic Site

## B-1: Exhibition Brochure

### @ Living Legacy

Today St. Mary's Spiritual Center & Historic Site on Paca Street remains a place of spiritual transformation, Catholic education and personal inspiration. The dynamic history of this site provides a context for ongoing ministry here.

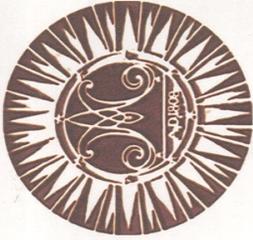
In the former convent, built on the site in 1896, a Sulpician priest coordinates a program of spiritual direction for clergy, laypersons and religious and also provides occasional workshops and days of recollection open to all.

The site is open to the public on a regular basis, and guided tours are provided for pilgrims and tourists interested in learning about and being inspired by the history of the site, particularly about the life of St. Elizabeth Ann Seton.

Programs and liturgies are also provided for groups with special connections to the site such as visiting seminarians, priests, religious and volunteers. For more information, visit [www.stmaryspacastreet.org](http://www.stmaryspacastreet.org).

Please assist in preserving, maintaining, and promoting St. Mary's Spiritual Center & Historic Site by contributing to the capital campaign entitled *Rekindle the Spirit*. By doing so, you will be helping to provide a better welcome and a richer experience for all those who visit the site or benefit from its programs.

**The Campaign for St. Mary's Spiritual Center & Historic Site**  
5408 Roland Avenue  
Baltimore, Maryland 21210-1988



## St. Mary's Spiritual Center & Historic Site

On June 15, 1808, St. Elizabeth Ann Seton arrived in Baltimore and, on the next day, she traveled to what is now St. Mary's Spiritual Center & Historic Site on Paca Street. Upon her arrival there, she witnessed the dedication of the Chapel of the Presentation of Mary in the Temple.

In June of 2008 the Catholic Church in Baltimore will celebrate the Bicentennial of these historic events. In preparation, St. Mary's Spiritual Center & Historic Site has launched a capital campaign to preserve its historic buildings and to enhance the services offered to tourists, pilgrims and participants in its programs.

This brochure is designed to acquaint the reader with some of the significant people and events that make this site holy ground. ☩

### The People (cont.)



**James Gibbons** (1834-1921) studied for the priesthood on this site, ordained for Baltimore in St. Mary's Chapel (1861), vicar apostolic of North Carolina (1868), fourth bishop of Richmond (1872), archbishop of Baltimore (1877), cardinal (1886), leader of the Church in America, champion of the rights of working people.



**Mary Elizabeth Lange, O.S.P.** (c. 1784-1882) immigrant from Haiti, worshipped at St. Mary's Chapel, director of Sulpician Father James Hector Joubert, catechist, co-founded and served as first superior of the Oblate Sisters of Providence (1831).  
(Photo courtesy, Oblate Sisters of Providence, Baltimore, MD)



**Michael J. McGivney** (1852-1890) born in Connecticut, studied theology and prepared for the priesthood on this site (1873-1877), ordained a priest for the Diocese of Hartford (1877), parish priest, founder of the Knights of Columbus (1882), died at age 38.  
(Photo courtesy, Knight of Columbus Museum)



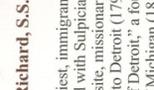
**Ambrose Maréchal, S.S.** (1764-1828) French Sulpician priest, immigrant to the U.S. (1792), faculty member at St. Mary's Seminary and briefly at Georgetown, third archbishop of Baltimore (1817), dedicated America's first Cathedral (1821), buried there but left his heart to St. Mary's Chapel where it is preserved today.



**François Charles Nagot, S.S.** (1734-1816) French Sulpician priest, led first band of Sulpicians to America after meeting with Bishop Carroll in 1790, founded St. Mary's Seminary on this site (1791), superior of St. Mary's until his death, entombed under the sanctuary of St. Mary's Chapel.



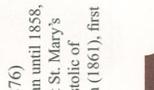
**Thomas Frederick Price** (1860-1919) born in North Carolina, alumnus of St. Mary's Seminary, first North Carolinian ordained to the priesthood (1886), co-founder in 1911 of the Catholic Foreign Mission Society of America (Maryknoll Fathers and Brothers), missionary in China, died in Hong Kong.



**Gabriel Jacques Richard, S.S.** (1767-1832) French Sulpician priest, immigrant from France (1792), lived with Sulpician community on this site, missionary to Illinois, transferred to Detroit (1798), "Second Founder of Detroit," a founder of the University of Michigan (1815), first Catholic priest to serve as a member of the U.S. Congress.  
(Photo courtesy, Gabriel Richard Historical Society, Detroit, MI)



**St. Elizabeth Ann Bayley Seton** (1774-1821) born in New York, raised as an Episcopalian, mother of five children, converted to Catholicism (1805) and moved to this site at the urging of Sulpician Father Louis DuBoing (1808), took vows before Bishop Carroll in St. Mary's Chapel and founded the Sisters of Charity of St. Joseph's (1809), moved to Emmitsburg, Maryland, first U.S.-born saint.  
(Photo courtesy, St. Elizabeth Ann Seton Museum, Rome, NY)



**Jean-Pierre Augustin Verot** (1804-1876) French priest, ordained in 1828, Sulpician until 1858, immigrated to America (1830), taught at St. Mary's College until 1852, appointed vicar apostolic of Florida (1858), third bishop of Savannah (1861), first bishop of St. Augustine (1870).

Elizabeth Ann Seton was canonized on September 14, 1975. Others are currently being considered for Beatification, including Father De-meirius Gallitzin, Bishop Simon Bruté, Mother Mary Lange, Father Michael McGivney and Father Thomas Price.

### @ Living Legacy

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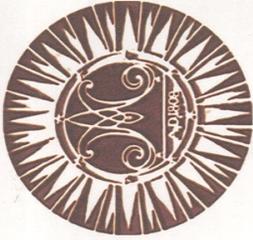
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The site is open to the public on a regular basis, and guided tours are provided for pilgrims and tourists interested in learning about and being inspired by the history of the site, particularly about the life of St. Elizabeth Ann Seton.

Programs and liturgies are also provided for groups with special connections to the site such as visiting seminarians, priests, religious and volunteers. For more information, visit [www.stmaryspacastreet.org](http://www.stmaryspacastreet.org).

Please assist in preserving, maintaining, and promoting St. Mary's Spiritual Center & Historic Site by contributing to the capital campaign entitled *Rekindle the Spirit*. By doing so, you will be helping to provide a better welcome and a richer experience for all those who visit the site or benefit from its programs.

**The Campaign for St. Mary's Spiritual Center & Historic Site**  
5408 Roland Avenue  
Baltimore, Maryland 21210-1988



## St. Mary's Spiritual Center & Historic Site

On June 15, 1808, St. Elizabeth Ann Seton arrived in Baltimore and, on the next day, she traveled to what is now St. Mary's Spiritual Center & Historic Site on Paca Street. Upon her arrival there, she witnessed the dedication of the Chapel of the Presentation of Mary in the Temple.

In June of 2008 the Catholic Church in Baltimore will celebrate the Bicentennial of these historic events. In preparation, St. Mary's Spiritual Center & Historic Site has launched a capital campaign to preserve its historic buildings and to enhance the services offered to tourists, pilgrims and participants in its programs.

This brochure is designed to acquaint the reader with some of the significant people and events that make this site holy ground. ☩

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## The Site

At 600 North Paca Street, in the Seton Hill district of downtown Baltimore, there is a one and a third acre property that has been owned by the Sulpician Fathers for more than two centuries. Surrounded



by a public park, it contains two National Historic Landmarks. The first of these is St. Mary's Chapel, dedicated in honor of the Presentation of Mary in the Temple. Begun in 1806, it was the first Neo-Gothic church in the United States. For more than a century and a half, it served as the chapel of the original St. Mary's Seminary and, for a time, as the local parish for the residents of Baltimore's former French Quarter.

The second National Historic Landmark on the site is the Mother Seton House. Built in the Federal Style so popular in the early 19th century, this building served as the residence and school of St. Elizabeth Ann Seton in 1808 and 1809.

French-born architect Maximilian Godefroy (1765-c.1840) designed St. Mary's Chapel and probably also the Mother Seton House. Friend of the Father of



American Architecture Benjamin Henry Latrobe, Godefroy later designed such notable structures as the Battle Monument in downtown Baltimore and the State Capitol in Richmond. *(Picture of Godefroy courtesy, Maryland Historical Society, Baltimore, MD)*

## A Place of Innovation

St. Mary's Spiritual Center & Historic Site is a place of firsts and a seedbed of innovation in the history of the Catholic Church:

- In 1791 St. Mary's Seminary & University was founded on this site by the Sulpician Fathers, a community of diocesan priests founded by Father Jean-Jacques Olier in Paris in 1641. St. Mary's was the first Catholic seminary in the United States and it continues to thrive today in the Roland Park section of Baltimore. St. Mary's was also the first institution of higher learning in Maryland to receive a state charter.
- In 1799 St. Mary's College was founded on this site. It was the first Catholic college in Maryland and one of the first in the nation. The College was closed in 1852, making way for the opening of Loyola College of Maryland (1863).
- In 1808 Elizabeth Ann Seton, the first person born in the U.S. to be canonized, established on this site her first Catholic school for girls. It led her to promote free education for poor girls and was a precursor of the parochial school system in this country.
- In the early 19th century this site inspired the foundation of two new communities in the Church: the Sisters of Charity of St. Joseph's, the first community of women to be founded in the United States; and the Oblate Sisters of Providence, the first religious community of African-American women in this country. The founders of the Sisters, Servants of the Immaculate Heart of Mary also received her early spiritual formation on this site.
- From the end of the 18th century until the middle of the 19th, priests and bishops went out from here as pioneers of the faith who evangelized the mission territories to the west and founded new dioceses in today's Midwest and South.
- Later in the 19th century and in the early 20th, thousands of priests were trained here. Some of them became prominent churchmen; others established new and important Catholic organizations such as the Catholic Foreign Mission Society of America (Maryknoll), the Knights of Columbus, and the Glenmary Home Missioners.

## The People

Important historical figures closely associated with the site include the following:

**Stephen Theodore Badin** (1768-1853) born in France, completed his preparation for priesthood on this site, first priest ordained in the U.S. (1793), missionary to Kentucky for 26 years, missionary to Indiana, Michigan, Ohio and Illinois for 25 years.

**William Howard Bishop** (1886-1953) American alumnus of the Seminary, ordained for Archdiocese of Baltimore (1915), pastor, founder of first diocesan Catholic Rural Life Conference (1925), founder of the Glenmary Home Missioners (1937).



**Simon Gabriel Bruté de Nemur** (1779-1839) born in France, Sulpician (1808-1824), faculty member of St. Mary's Seminary and president of St. Mary's College (1815-1818); first bishop of Indiana (then the Diocese of Vincennes, now the Archdiocese of Indianapolis). *(Picture courtesy, Archdiocese of Indianapolis, IN)*



**John Carroll** (1735-1815) born in Maryland, member of the Society of Jesus (1753-1773), missionary in rural Maryland and Virginia, Founding Father and First Bishop of the Catholic Church in America (1789), archbishop of Baltimore, invited the Sulpicians to Baltimore (1790), helped them purchase this site, buried below the sanctuary of St. Mary's Chapel (1815-1824) until his Cathedral was finished, now entombed at the Basilica of the Assumption in Baltimore.

**John Mary Joseph Chanche, S.S.** (1795-1852) American Sulpician, graduate of both St. Mary's College and St. Mary's Seminary, president of St. Mary's College (1834-1840); first bishop of Mississippi (then the Diocese of Natchez, now the Diocese of Jackson).

## Louis William DuBourg, S.S.

(1766-1833) French Sulpician priest, immigrant to the U.S. in 1794, founder of St. Mary's College on this site (1799), consecrated in 1813 as the first bishop after the Louisiana Purchase of the Diocese of Louisiana and the Floridas (now the Archdioceses of St. Louis and New Orleans), founder of St. Louis University, returned to France, bishop of Montauban and archbishop of Besançon.



## Theresa Maxis Duchemin, I.H.M.

(1810-1892) born in Baltimore to a Haitian mother and British father, worshipped at St. Mary's Chapel, directee of Sulpician Father James Hector Joubert, catechist, founding member of the Oblate Sisters of Providence (1830), superior general of the Oblates, departed from the Oblates and co-founded the Sisters, Servants of the Immaculate Heart of Mary in Michigan (1845) and in Pennsylvania. *(Picture courtesy, Sisters, Servants of the Immaculate Heart of Mary, Scramo, PA)*



## Benedict (Benoit) Joseph Flaget, S.S.

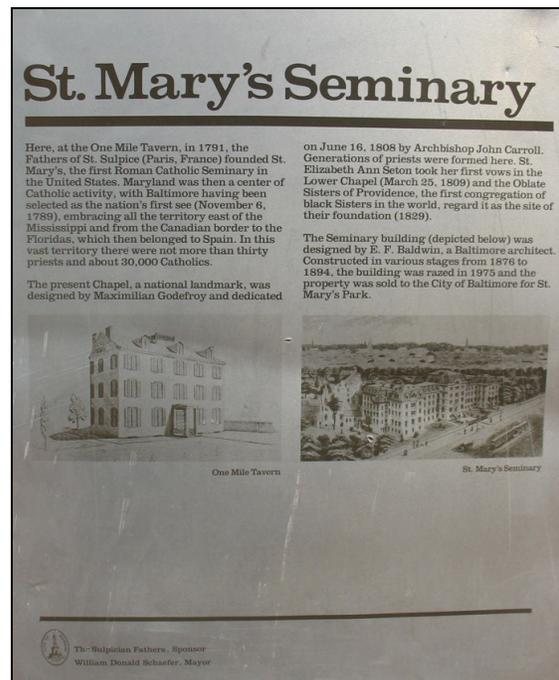
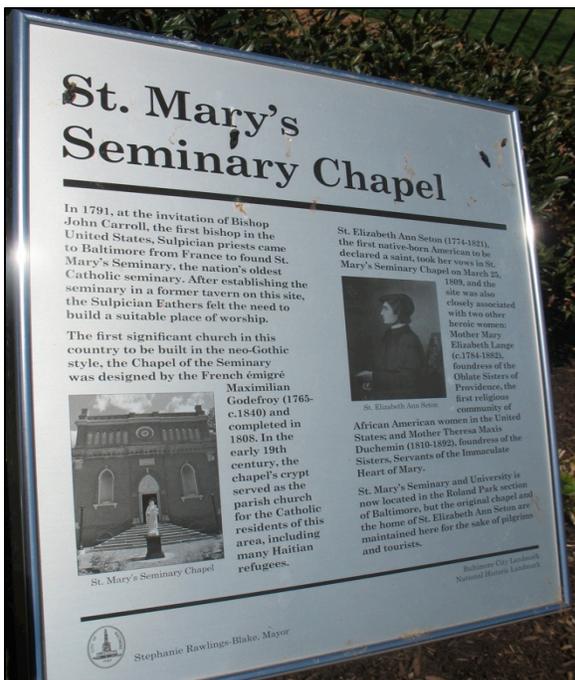
(1763-1850) French Sulpician, immigrant to the U.S. in 1794, missionary to Indiana, faculty member at St. Mary's College, appointed in 1810 as first bishop of Kentucky and Tennessee (then the Diocese of Bardstown, now the Archdiocese of Louisville).



## Demetrius Augustine Gallitzin

(1770-1840) Russian prince, graduate of St. Mary's Seminary on this site (1795), first priest to complete his entire seminary program in the U.S., for many years a member of the Society of St. Sulpice, served at Conewago in Pennsylvania, missionary to western Pennsylvania for 41 years, refused episcopal appointment to Cincinnati (1821), "Apostle of the Alleghenias." *(Picture courtesy, Diocese of Allegheny)*

## B-2: Additional Photography & Baltimore City Historic Landmark Tablets



### B-3: St. Mary's Seminary Chapel Exhibition Panel Demonstrating Funders



\*Note that no subsidized public funding was used for the main renovation of the chapel, as the project included interior work, but has been later used on the exterior of the building.





"A good work has this day been accomplished, a new house of prayer rears its fair proportions toward heaven."

BARA ABRAHAM NICH, during the dedication of the Lloyd Street Synagogue, September 26, 1845

## The American Synagogue

BALTIMORE HEBREW CONGREGATION - 1845-1889

IN 1830 a small group of German-speaking immigrants founded Baltimore's first Jewish congregation, Nidche Israel—better known as Baltimore Hebrew Congregation. Fifteen years later the congregation celebrated the opening of Maryland's first newly constructed synagogue, a small Greek Revival treasure on Lloyd Street. But the congregants faced complex issues that tested their unity. During the forty-four years they occupied the Lloyd Street Synagogue, they altered the building in ways that reflected their ongoing struggle to forge an American Judaism that served both their American and Jewish identities.

## Lloyd Street Synagogue

A BUILDING CHANGES WITH ITS PEOPLE

BALTIMORE HEBREW CONGREGATION

1830 BALTIMORE HEBREW CONGREGATION sells the building to St. John the Baptist Episcopal Society.

1845 BALTIMORE HEBREW CONGREGATION opens the center bimah from center of sanctuary.

1875 organ is placed in balcony.



1840 SYNOGOGONARON by 30 feet. New lower level includes mikveh complex.



1880 ST. JOHN THE BAPTIST LITHUANIAN CATHOLIC CHURCH

1880 ST. JOHN SELLS THE building to Congregation Shomrei Mishmeres Ha-Kodesh.

1895 ST. JOHN SELLS THE building to Congregation Shomrei Mishmeres Ha-Kodesh.

1895 CONGREGATION SHOWS interest in building to a traditional synagogue, removing organ and installing Torah ark and central bimah.



"The Lithuanians, who are steadily growing in numbers in Baltimore, should have a church of their own."

JAMES CARROLL GIBSON February 5, 1889

## The Ethnic Church

ST. JOHN THE BAPTIST LITHUANIAN CATHOLIC CHURCH - 1889-1905

THE FIRST LITHUANIAN CATHOLIC IMMIGRANTS settled in Baltimore around 1880. Proud of their Lithuanian heritage, they were determined to establish a church of their own. After winning approval from the Archdiocese, they formed St. John the Baptist Lithuanian Catholic Church and purchased the Lloyd Street Synagogue for \$12,000 from Baltimore Hebrew Congregation. Their many alterations to the structure included adding a bell tower. The church occupied the building only sixteen years, but during this brief period, St. John's established the Lithuanian community as a distinctive part of Baltimore's ethnic mosaic.



"None of the forms or the ideas of modern life seemed to get into this house of prayer."

LOUIS SPECTER, whose family attended Shomrei Mishmeres

## The Traditional Shul

SHOMREI MISHMERES HA-KODESH - 1905-1960

DURING THE 1890s the area around the Lloyd Street Synagogue became an East European Jewish immigrant enclave with many small synagogues (or "shuls"). Yet the neighborhood's most historic synagogue building served as a Catholic church. When St. John's decided to move out, members of one neighborhood shul—Shomrei Mishmeres Ha-Kodesh—seized the opportunity to restore the building to its original purpose. They purchased it and converted it to a house of Jewish worship. Shomrei Mishmeres thrived for three decades as a bastion of traditional Judaism in a rapidly changing society.



1920 CONGREGATION SHOWS interest in building to a traditional synagogue, removing organ and installing Torah ark and central bimah.

1905 CONGREGATION SHOWS interest in building to a traditional synagogue, removing organ and installing Torah ark and central bimah.

1905-1910 CEILING REMOVED with murals.

1910-1920 LOWER LEVEL UPPER area renovated.

## The Heritage Museum

JEWISH HISTORICAL SOCIETY / JEWISH MUSEUM OF MARYLAND - 1960 - TODAY

AS JEWS MOVED OUT of East Baltimore in the mid twentieth century, the Lloyd Street Synagogue fell into disrepair. The Jewish Historical Society of Maryland was created to save the building from destruction. Its leaders sought to restore the historic landmark and transform it into a great educational and historical center of the people. The graceful old synagogue continues to fulfill that mission to this day, as an integral part of the campus of the Society's successor organization, the Jewish Museum of Maryland.



JEWISH HISTORICAL SOCIETY OF MARYLAND / JEWISH MUSEUM OF MARYLAND

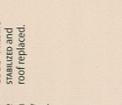
1840 SYNOGOGONARON by 30 feet. New lower level includes mikveh complex.

1875 organ is placed in balcony.

1895 CONGREGATION SHOWS interest in building to a traditional synagogue, removing organ and installing Torah ark and central bimah.

1905 CONGREGATION SHOWS interest in building to a traditional synagogue, removing organ and installing Torah ark and central bimah.

1910-1920 LOWER LEVEL UPPER area renovated.



## C-2: *Miveh* Exhibition Brochure and Photography

### The Mikveh

A *mikveh* is a ritual bath containing “living water” drawn from flowing streams, rainwater, or groundwater. In traditional Jewish practice, men and women use the *mikveh* regularly for spiritual or symbolic cleansing.

**THE LLOYD STREET SYNAGOGUE** contains the oldest documented *mikveh* complex in the U.S. Originally, the *mikveh* was housed behind the synagogue, in a separate building that stood where you are now. When Baltimore Hebrew Congregation expanded the synagogue in 1860, the *mikveh* house was demolished and the *mikveh* complex was incorporated into the lower level.

**WE DO NOT KNOW** how St. John’s used the *mikveh* area. Archaeological exploration has revealed that a thick layer of grime accumulated on the floor around the *mikveh* during the congregation’s tenure, suggesting that St. John’s might have used the area for storage.

**AS A TRADITIONAL CONGREGATION**, Shomrei Mishmeres made active use of the *mikveh* area. In a major renovation soon after moving in, the congregation created two new *mikvehs* and a reservoir to hold water, built changing rooms, and installed plumbing and bathtubs.

**TODAY, THE MIKVEH AREA IS RESTORED** to reflect its appearance during the Shomrei Mishmeres period, but we have left later archaeological excavations uncovered to reveal features from an earlier time.

“The *mikveh* was in constant use.”

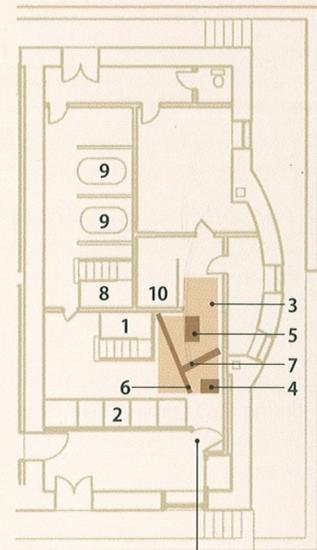
GEDALIAH COHEN, member of  
Congregation Shomrei Mishmeres

### The Mikveh Complex

**THE MIKVEH COMPLEX** has three rooms. The main room, which you can see from the doorway, contains a *mikveh* [1] and changing stalls [2] that date from the Shomrei Mishmeres period. It also contains a 1999 archaeological excavation that exposes remnants of Baltimore Hebrew Congregation’s original 1845 *mikveh*.

**ALONG THE FRONT EDGE** of the excavation area [3] are scars indicating the location of the original 1845 wood-lined *mikveh* [4]. In 1855 Baltimore Hebrew upgraded the *mikveh* by installing a marble liner, which no longer exists. The bricks in the back corner of the trench are remnants of a hearth [5] where water for the *mikveh* was heated. The heavily corroded water pipe [6] might date from around 1910, when Shomrei Mishmeres installed indoor plumbing. The larger pipe [7] near the front was probably installed by the Jewish Historical Society during the 1960s renovation.

**OTHER FEATURES** of the Shomrei Mishmeres *mikveh* complex are a second *mikveh* [8], bathtubs [9], and a reservoir [10] for collecting water.

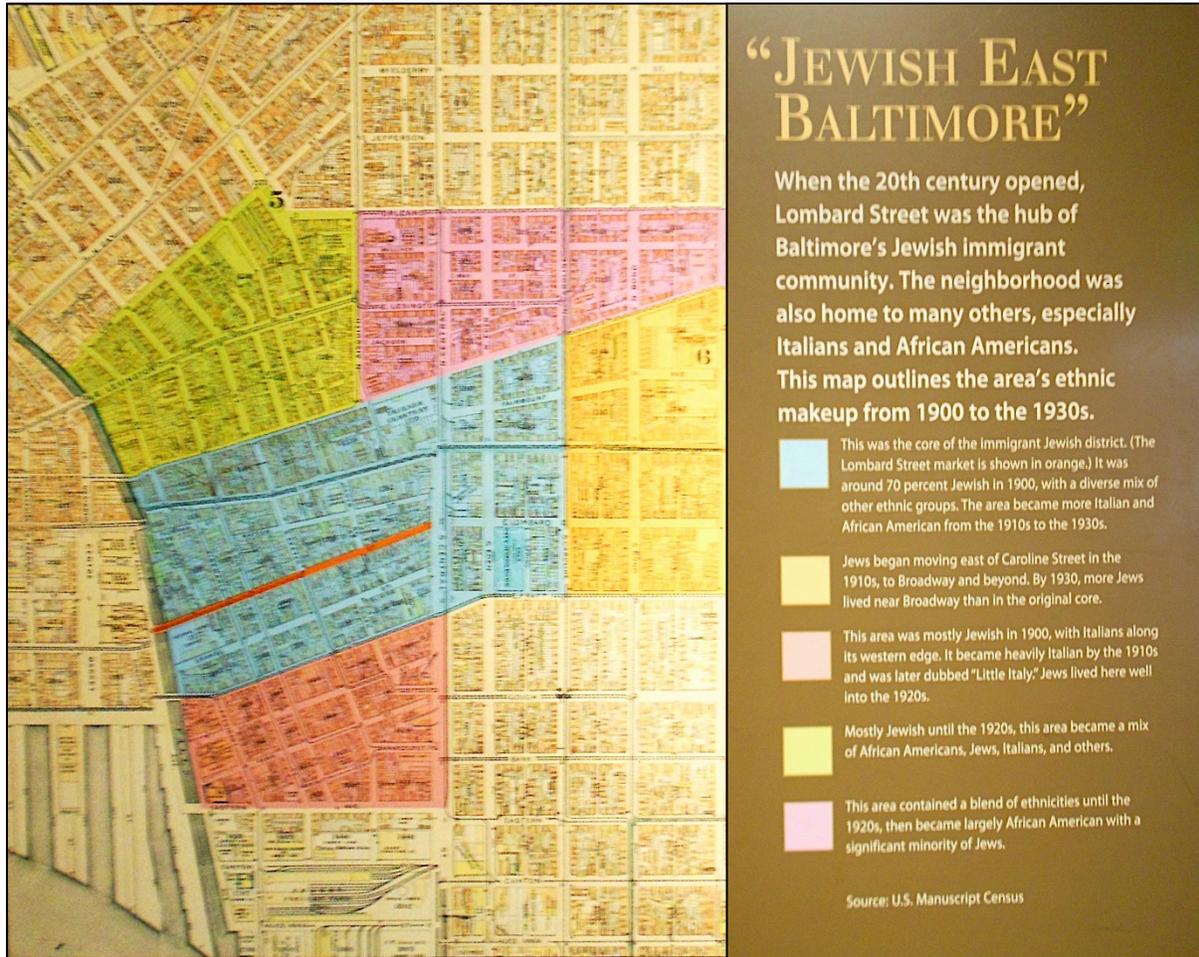


“Mrs. Berliner was unanimously elected to keep the *mikveh* house for the term of one year, for the rent fixed by the Board.”

BALTIMORE HEBREW CONGREGATION  
MINUTES, September 7, 1856



### C-3: Additional Photography and Baltimore City Historic Landmark Tablets



## Lloyd Street Synagogue

The Lloyd Street Synagogue, dedicated in 1845, is the first synagogue erected in Maryland and the third oldest surviving synagogue in the United States. A simple, elegant building in the popular Greek Revival style, it was designed for the Baltimore Hebrew Congregation by Robert Cary Long, Jr., the most prominent Baltimore architect of the mid-19th century. The first ordained rabbi in the United States, Rabbi Abraham Rice, served as the congregation’s first spiritual leader after emigrating from Bavaria.

This beautiful old synagogue not only remains an important landmark in the history of American Jewry, but also stands as a symbol of Baltimore’s role as a port of entry for generations of European immigrants. Three successive congregations occupied the site: Baltimore Hebrew Congregation (1845-1890), Central European Jews, St. John the Baptist Roman Catholic Church (1890-1905), Lithuanian Roman Catholics, and Shomrei Mishmeres Ha-Kodesh (1905-1963, East European Jews), each of which altered the building to meet its congregational needs.

When the building was threatened with demolition in the early 1960s, the Jewish Historical Society of Maryland (now the Jewish Museum of Maryland) purchased and restored the synagogue as an historic site. The restoration preserved the original wooden pews, women’s balcony, cast iron fence, and magnificent painted glass windows. In the lower level, a study hall and chapel, social hall, ritual baths (mikvaot), and an oven used in the baking of Passover matzah (unleavened bread) shed light on the synagogue’s role in community life through the decades.



Courtesy of the Jewish Museum of Maryland. Photo by Aaron Levin, 1994.104.37

The Security Title Guarantees Corporation, Sponsor  
William Donald Schaefer, Mayor  
Rededicated 2005 Martin O’Malley, Mayor

Baltimore City Landmark  
National Register of Historic Places

## B'nai Israel Synagogue (originally Chizuk Amuno Synagogue)

The B'nai Israel Synagogue, erected in 1876, is the longest actively-used synagogue in Baltimore. It was built by Congregation Chizuk Amuno (“Strengthening of the Faith”), whose members had seceded from the Baltimore Hebrew Congregation in 1870 to protest changes in traditional Jewish practice and ritual. The traditionalists were led by Jonas Friedenwald, whose family exercised such influence over the congregation that for many years Chizuk Amuno was known as the Friedenwald Shul (or, “Friedenwald Synagogue”).

The synagogue was designed by Henry Berge, a stonework contractor and self-taught architect. Its design, though highly eclectic, primarily reflects the Moorish Revival style, which was thought suitable for synagogues because of its Near Eastern connection. Significant interior features include the majestic hand-carved Torah ark in the sanctuary and the massive central brass chandelier, installed before 1890 and one of the earliest major electric fixtures still in use in Baltimore.

Congregation B'nai Israel (“Sons of Israel”) purchased the synagogue from Chizuk Amuno in 1895 and has worshipped here ever since. Founded in 1873, B'nai Israel was the first Baltimore congregation organized by residents of Russian origin. The synagogue became known as the Russisheh Shul (“Russian Synagogue”) to distinguish it from the older German congregations.

The Jewish Historical Society of Maryland (now the Jewish Museum of Maryland) acquired and restored the synagogue in 1983-1986. The restoration received historic preservation awards from the American Society of Interior Designers and the Maryland Historical Trust.



Courtesy of the Jewish Museum of Maryland. Photo by Aaron Levin, 1994.104.1.

Sun Life Insurance Company of America, Sponsor  
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Baltimore City Landmark  
National Register of Historic Places

**C-4: The Synagogue Speaks Exhibition Panel Demonstrating Funders**

# THE SYNAGOGUE SPEAKS

is made possible by generous support from

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THE ASSOCIATED: Jewish Community  
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GRAPHIC DESIGNER	P. J. Bogert Graphic Design
MEDIA PRODUCER	Chris Smith
ILLUSTRATOR	Jonathon Scott Fuqua
FABRICATOR	Xibitz
PRINTER	Bay Imagery
DIALOG DIRECTOR	Caitlin Bell
MODEL MAKER	Rick Barbehenn
PHOTOGRAPHER	Shelby Silvernell
CONSULTANTS	Father Robert Albright, Rabbi Nina Beth Cardin, Rabbi Levi Druk, Samuel Gruber, Ph.D., Father Richard Lawrence
DIALOG ACTORS	Caitlin Bell, Calla Grace Fuqua, Ethan Maszczenski, Becky Mossier, Natalie Pilcher, Richard Pilcher, Aleksandras Radzius, Tony Tsendeas, Stan Weiman
HALLEL SINGERS	Cantor Emanuel Perlman, Henry Dickman, Ralph Dolgoff, Gerald Hoffman, Barry Lever, Joey Malin, Moshe Shualy, Jonathan Zylberman
MUSEUM STAFF AND EXHIBITION INTERNS	Avi Y. Decter, Deborah Cardin, Ilene Dackman- Alon, Simone Elin, Karen Falk, Sue Foard, Rachel Kassman, Barry Lever, Mindy Glaser McShane, Darrell Monteagudo, Jeanette Parmigliani, Erika S. Pearl, Susan Press, Fred Shoken, Lauren Silberman, Esther Weiner, Jobi Zink, Heather Lirette, Nicole Paterson
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