

Answer by letter-Park

March 10, 1969

OPINION LETTER NO. 164

Honorable Eugene F. Mazzuca
Representative, 67th District
City of St. Louis
State Capitol Building
Jefferson City, Missouri 65101

Dear Representative Mazzuca:

This will acknowledge receipt of your letter dated February 21, 1969, requesting an opinion on several matters all relating to the ownership and use of Catholic church school property.

More particularly, you inquire:

"* * *DOES THE ARCHDIOCESE LEADERS HAVE THE AUTHORITY TO CLOSE ANY SCHOOL BUILT AND PAID FOR COMPLETELY BY INDIVIDUAL PARISHONERS AND NEIGHBORHOOD AND OPERATED FINANCIALLY AND COMPLETELY WITHOUT ANY INTEREST FREE ASSISTANCE FROM THE ARCHDIOCESE?* * *"

Also, you ask:

"* * *WHO OWNS THE INDIVIDUAL CHURCH, SCHOOL AND PARISH PROPERTIES? The individual parish-
oners who have completely bought, built and maintained these properties or the archdioces leadership who have been appointed by the Pope as a result of the religious structure of rank?*" * *"

Among the statutory duties assigned to the Attorney General is that of rendering opinions to certain public officials concerning their official duties. Section 27.040, RSMo 1959, states:

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"When required, he [Attorney General] shall give his opinion, in writing, * * * to the general assembly, or to either house, and to the governor, secretary of state, auditor, treasurer, commissioner of education, grain warehouse commissioner, superintendent of insurance, the state finance commissioners, and the head of any state department, or any circuit or prosecuting attorney upon any question of law relative to their respective offices or the discharge of their duties."

As a general rule, the duty of the Attorney General is to advise, upon request, state officers and various state department heads and other officials as to legal questions concerning their official conduct, and ordinarily the giving of an opinion will be refused except as provided for by constitutional or statutory requirements. 7 C.J.S., Attorney General, Section 6.

Likewise, this office has previously taken the position that the Attorney General is not permitted by Section 27.040, RSMo 1959, to give advice to private individuals. Opinion Attorney General No. 15, Cave, 4-10-50.

The questions raised in your letter relative to the ownership and use of Catholic church properties appear to be private rather than public matters. For this reason, an opinion on the several questions raised in your letter cannot be rendered.

Yours very truly,

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 15
4-10-50, Cave