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OGC 61-0460

23 March 1961

MEMORANDUM FOR: Chief, SR

SUBJECT: Russian Orthodox Church

1. In view of your question about the World Council of Churches and its relationship to the Russian Orthodox Church, the following information may be of interest.

2. Mr. [redacted] who has been working for many years with the American side of the Russian Orthodox Church, came to see me as he occasionally does to bring me up to date on the status of the court cases involved. As you know, the Supreme Court on 6 June 1960 dismissed the common law action to eject the Archbishop appointed by the Patriarch of Moscow from the use and occupancy of the St. Nicholas Cathedral in New York. The Cathedral is owned by the American corporation. This decision is final as to the Moscow appointee controlling the New York diocese. The Supreme Court opinion is attached. (b)(1) (b)(3)

3. The church in North America is divided into seven diocese. At present, all outside New York are under the control of the American faction, and in the past actions by the Moscow faction for control have failed in the state courts. Since the Supreme Court opinion pertaining to New York, a new action has been filed in Lorain, Ohio for control by the Moscow Patriarch. The congregation, according to Mr. [redacted] voted for American control almost unanimously, and the American faction obtained a temporary injunction denying the Reverend George Burdikoff and certain other lay members access to the church. Reverend Burdikoff was the priest of the parish and after the Supreme Court opinion acknowledged the authority of Moscow. [redacted] (b)(1) (b)(3) (b)(1) (b)(3)

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[redacted] (b)(1) (b)(3)

4. Another case has been started in New Jersey, where the situation involves a statute similar to the New York statute which was thrown out in the earlier Supreme Court decision as unconstitutional under the 1st and 14th amendments. Therefore, the New Jersey case, according to Mr. [redacted] is somewhat less favorable than the Ohio case. (b)(1) (b)(3) (b)(1) (b)(3)

5. According to Mr. [redacted] the Russian Orthodox Church in South America is also under the Metropolitan in New York, and he believes it involves one diocese. [redacted] The church in Japan and Korea is also under the New York Metropolitan, and some time back Moscow sent two Archbishops to Vladivostok to take control but they were blocked by General MacArthur. (b)(1) (b)(3)

6. Despite the Supreme Court's statement that the controversy is schismatic in the church as a whole, Mr. [redacted] maintains that the American church is legally independent and the dispute is, therefore, not schismatic. This is the type of question which delights the canonical lawyer, which I do not pretend to be, and I, therefore, take no position on it. However, Mr. [redacted] mentioned the World Council of Churches and said he understood that the Russians were trying to have the Russian Orthodox Church accepted by the Council. (b)(1) (b)(3) (b)(1) (b)(3)

7. I am forwarding a newspaper story on the Lorain case from The Lorain (Ohio) Journal. The story also was picked up by The State Journal of Lansing, Michigan, 14 January 1961.

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Attachments

S/ Lawrence R. Houston

LAWRENCE R. HOUSTON
General Counsel