



Isaiah 62:6

# KEYSTONE SENTINEL



January 2010

Michael Clater, Editor

## boardroom

By  
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Executive  
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### Troubling Commonwealth Court Decision Endangering Religious Liberty

#### Update on the St. Elizabeth's Matter

Periodically since 1963, selective religious ministries in Pennsylvania have faced hostile Pennsylvania Department of Public Welfare's claims of intrusive authority over ministries to children under the age of 16 when the parents of children are not present. In the last decade the Department has forced numerous Catholic, evangelical, and fundamentalist institutions into court. The issues are not fraud, safety, health, or similar. The key issues: (1) license from the state (prior restraint) to teach and transmit the faith, (2) control of curriculum (which would include how one acts and thinks), and (3) non-discrimination in religion in employment and enrollment policies. The lead case involves a Roman Catholic parish ministry in the Allentown area.

Most recently in 2009, KCEA led an effort to present a legal brief to the Court on behalf of hundreds of diverse evangelical local churches and Christian schools. The narrow issue before this court was whether the position of the Department conflicted with Constitutional provisions. A decision came down on January 7, and Attorney Philip Murren of Ball, Murren & Connell provided this summary on January 14:

A three-judge panel of the Commonwealth Court has issued its opinion on St. Elizabeth's constitutional challenges to DPW's child care licensing/regulatory scheme. The Court has ruled that those challenges are currently "speculative" and are not a bar to the enforcement of the licensing requirement....

The Court's majority opinion principally addresses the question of whether St. Elizabeth's has been able to demonstrate that "enforcement of DPW's regulatory scheme would significantly burden St. Elizabeth's religious mission." The Court treats this question as a threshold issue for purposes of St. Elizabeth's challenges under the Free Exercise Clause of the First Amendment, the religious liberty clause of the Pa. Constitution and the Pa. Religious Freedom Protection Act (RFPA).

In the Court's view, there has as yet been no direct harm to St. Elizabeth's religious liberty because DPW has not yet applied any of its substantive regulations in a manner that would deny St. Elizabeth's a certificate of compliance.

While it may be true that DPW has yet to attempt to penalize St. Elizabeth's due to any of St. Elizabeth's specific religious practices, the Court implicitly rejects the notion that the very creation of a subservient relationship between church and state on matters of teaching content is a constitutionally improper form of "prior restraint" over religious liberty and is therefore invalid *in se*.

The Court also implicitly rejects the idea that it is constitutionally improper to create a relationship between church and state in which the state may become excessively entangled in matters of religious practice. St. Elizabeth's had argued that governmental evaluation of the religious content of its teaching program necessitated precisely that type of excessive entanglement.

The Court's opinion also fails to address the issue that St. Elizabeth's raised with respect to the propriety of enforcing the certificate of compliance requirement through the mechanism of an administrative "cease-and-desist" order, rather than through a court action instituted by the Office of the Attorney General, as required by Article IX of the Public Welfare Code.

We are currently seeking authorization to file a petition for rehearing of the St. Elizabeth's case in the Commonwealth Court. If the Commonwealth denies the rehearing petition, the second

(Continued on p. 2)

option available for further review is the filing of a petition for allowance of appeal with the Pa. Supreme Court. Such a petition would be due on or before February 5, 2010. Allowance of appeal is entirely discretionary in the Supreme Court. The Court may either accept the case for review and set a briefing schedule, or reject the petition, with no reasons given for doing so.

So, what does this mean? ... or matter? ...or say about liberty? ...or impact "my life"?

First, there is obviously a danger to and a need to join together in defense of religious liberty in this and similar matters.

Secondly, there is a need to understand how people are thinking. This decision of three judges demonstrates how many see religion, the practice of religion, and religious education -- in a narrow focus. They do not see government interfering with religion unless it dictates a doctrine or "breaks up" a worship service. The "narrowing" of religion and redefining its perimeters is not limited to this decision. Example #1: Catholic bishops and pastors have refused to serve communion to politicians who openly oppose "pro-life" positions. They do so on the basis that the politicians are really not practicing Catholic faith and thus are disqualified from participating; and the politicians scream in protest. Example #2: some claim that they are "Christians" because they "X" or "Y." Yet, Scripture declares that one is a Christian only if he has genuinely experienced the new birth.

Third, there is an urgent need to identify and implement plans to transmit the faith to our next generation. What are the goals of Christian child rearing and how are they accomplished? What are the important differences between a good Christian college or school and a secular one? What are the purposes for each church program and activity? What are the differences between one who thinks and acts biblically and one who does not -- and how do we get more of the former?

## A CLOSER LOOK

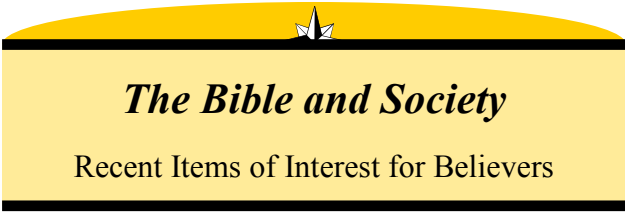
### All-State Choir a Spiritual and Musical Success

About 160 students plus sponsors from across PA attended this annual event, consummating with two concerts in the Capitol's rotunda. God blessed with students who had been prepared by their directors to sing the music. Dr. Craig Ralston, Chair of the Division of Fine Arts at Clearwater Christian College, directed the choir. During rehearsals, he integrated numerous "teaching moments" focusing on the Biblical application of each song's text, instrumental performance and posture, and vocal technique. Dr. Ralston commended the young people: "They had great attitudes and worked so well with the directions given." After the concert, some participants from one school were so excited that "they wanted to know what the music was for next year so they could start working on it."



Each director uses the opportunity to instill Biblical principles of music: that we are to give God praise with our whole heart (Ps. 9:1), and to sing to Him because we are joyful through our salvation (James 5:13). The choir

serves as a strong supplemental tool for the local Christian school in KCEA, not just in giving a different avenue of spiritual and choral instruction for their students but also as a professional development tool for musicians on staff.



## *The Bible and Society*

Recent Items of Interest for Believers

### Babylonian Tablet: Noah's Ark Circular

A new translation of a Babylonian clay tablet from 1700 B.C. describes Noah's Ark as a huge circular raft made of palm fiber. This construction was to be sealed with a type of pitch, and the craft's door was sealed by the boat builder, who died in the flood. Some secular scholars are hailing this as a major textual breakthrough. However, skeptics call the vessel described in the translation virtually impractical and unmanageable in comparison with that of Scripture. As believers, we know that the Bible is completely accurate in describing historical events such as the construction of the ark and the subsequent Flood in Genesis 6-8.

<http://www.guardian.co.uk/uk/2010/jan/01/noahs-ark-was-circular> *Guardian*, Jan. 1

### Wilson County (TN) Schools to Stop Distribution of Free Bibles

Following a complaint filed by parents of two students at the Carroll-Oakland Elementary School, the ACLU threatened a lawsuit against the school, who had allowed The Gideons International to distribute copies of the New Testament, Psalms and Proverbs. Part of the complaint was that the Bible distribution occurred during school hours, even though there was clearly no coercion by school employees.

Since the Bible is our supreme guide in all matters of faith and practice, and applicable to all areas of life, its consistent removal from influence in politics and state education endangers our youth by inserting relative humanism as the supreme moral authority.

[http://www.wilsonpost.com/index.php?option=com\\_content&task=view&id=3164&Itemid=14](http://www.wilsonpost.com/index.php?option=com_content&task=view&id=3164&Itemid=14)  
*The Wilson Post*, Jan. 6

## Personal Opinion Trumps Traditional Doctrine?

In an interview published in the Jan. 4, 2010 issue of *Newsweek*, Congresswoman Nancy Pelosi (D-CA) openly admits that, in her view, an individual's free will carries more weight than the teachings of a church.

"I have some concerns about the church's position respecting a woman's right to choose. I have some concerns about the church's position on gay rights. I am a practicing Catholic, although they're probably not too happy about that. But it is my faith. I practically mourn this difference of opinion because I feel what I was raised to believe is consistent with what I profess, and that is that we are all endowed with a free will and a responsibility to answer for our actions. And that women should have that opportunity to exercise their free will."

A professed Catholic, Pelosi is frequently at odds with her church's positions on abortion, homosexuality, and other issues. Her statement closely parallels the views of many of today's Christian youth – and sometimes adults – in Bible-believing circles, who are increasingly willing to challenge (and sometimes openly reject) longstanding doctrinal teachings and Scriptural interpretations. Their individual view holds greater value than what a church elder, deacon, pastor, or teacher says. Today's parents and leaders must be diligent in discerning error while also training our youth to be faithful to Scripture and to become the next generation of leaders.

<http://www.newsweek.com/id/227756>  
*Newsweek*, Jan. 4


<http://lifenews.com/state4686.html>  
LifeNews.com, Dec. 28

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**37th Annual KCEA  
Christian Education Conference**

**September 23-24, 2010  
Willow Valley Family Resort  
Lancaster, PA**

# NATIONAL NOTES



## Legislative Initiatives

Bible-believers should be faithful to discern how issues could affect their evangelism, edification, and religious freedom. There are numerous issues at Washington including:

Defense of Marriage Act (DOMA) – Key players have vowed to eliminate this traditional position of government to protect and encourage traditional marriage.

Don't Ask, Don't Tell – The traditional standard in the military for excluding those who are openly sodomite in actions is being challenged.

Obama/Democratic Health Revamp – Beyond the obvious issues of taxes, quality, availability, etc., there are several provisions of the Senate- and House-passed bills that would negatively impact Bible-believing citizens, including:

*Not protecting the right of conscience of religious institutions and medical personnel.* This would protect doctors, nurses, and similar as the liberals wish to force them to perform abortions and similar services.

*Not protecting the unborn from being aborted using government funds.* While the House-passed bill has protections, there are indications that leadership is seeking to eliminate them.

*Not protecting married couples from a financial penalty.* A couple could save \$2,000 to \$5,000 a year if they just “shack up” rather than get married.

## Court Debates Marriage Vote

Gay-rights activists have sued to overturn the enactment of California's Proposition 8 banning same-sex marriage. Advocates for the case (Perry v. Schwarzenegger) claim the law violates the U.S. Constitution by denying “due process and equal treatment.” Opponents of the lawsuit argue the case is an attempt to redefine the longstanding legal and social definition of marriage while discarding

the state's democratic process to amend the constitution.

Efforts to legalize gay marriage recently failed in New Jersey. This same issue is being debated within the Pennsylvania Legislature. Bills both for and against gay marriage in Pennsylvania exist in print. Advocates want a complete redefinition of marriage and total social acceptance. They will use the federal Local Law Enforcement Hate Crimes Prevention Act of 2009 to silence opposition, and use state sex education curriculum to teach the youth that homosexuality is normal. However, the unkind methods used in communicating their message — destroying peaceful opponents' signs, legal threats, and angry speech — only spread fear, not approval.

<http://www.sfexaminer.com/local/Same-sex-marriage-in-federal-court-8111732.html>

*San Francisco Examiner*, Jan. 11

<http://www.wnd.com/index.php?fa=PAGE.view&pageId=121397>

*WorldNet Daily*, Jan. 9

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KCEA is a loose association of Bible-believing churches and Christian schools in PA uniting under a common banner for the furtherance of a common goal: the protection and promotion of Christian education as a philosophy and methodology of training our youth.

The Association is a faith ministry that serves Bible-believing ministries in Pennsylvania. Churches and other ministries are encouraged to support the Association with regular prayer and financial gifts. Dr. Tom Coleman, President. Rev. Ross Ritchey, Vice-President. Mr. Michael Boole, Secretary-Treasurer. Dr. Theodore Clater, Executive Director.