

**TESTIMONY OF
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I am Greg Reed, and I wish to begin my testimony by reminding everyone that Pennsylvania has a long and well-documented history of both religious freedom and religious independence. This is the Commonwealth where the Quakers, Amish, Mennonites, Catholics, fundamentalists and evangelicals have thrived and grown for hundreds of years. In an age and climate when “diversity” is promoted on bumper stickers, billboards, and public service announcements, these churches and groups have epitomized religious diversity in modern times. With this diversity comes diversity in decision-making in their respective religious bodies.

I am an attorney in private practice. At one time I served as an assistant district attorney and as a county solicitor in the Commonwealth of Pennsylvania. Although the county hired labor counsel, as solicitor I became familiar with labor relations procedures and proceedings. If House Bill 2626 were to become law, I understand how government’s secular decision-making process would be superimposed on religious institutions. The diverse ways that religious communities select, manage, and remunerate their hired staff would be obliterated. Furthermore, for the evangelical Christian community where I have personal knowledge, the extent of this incursion into the affairs of the religious institutions would not be any more egregious if this bill included government authorization to impose its secular decision-making process on all personnel decisions involving the ordained clergy.

House Bill 2626 has been promoted as an effort to codify the “right of association” for teachers in parochial schools. These “associations”, i.e. labor unions, by their very nature and the administrative process of which they are a part, would burden, if not crush, the free exercise of religion by depleting the authority of the local churches and their members while granting heretofore non-existent authority to “non-members.”

Under HB 2626 the Pennsylvania Labor Relations Board (PLRB) will supervise elections and certify unions as bargaining agents for church ministry workers (teachers). The PLRB will have the power to issue cease and desist orders to the churches. Generally, the PLRB will have jurisdiction over the employer (the church).

It is basic to an understanding of the likely impact of this proposed legislation that, at least in the evangelical community, the schools are not just owned, controlled, or sponsored by the religious organizations, they are the church. Evangelical schools in this Commonwealth are integral ministries of a local church and/or an extension of a group of local churches and/or a cooperative effort of religiously like-minded Christian leaders and supporting families. The Christian citizens who are the school community consider their schools' ministries in the same manner they consider their Sunday School classes, prayer meetings, youth groups, and worship services as spiritual ministries.

In *Catholic Bishop of Chicago v. NLRB*, 559 F2d 1112, 1131 (7th Cir 1977) the court recognized the damage that would be done to religious freedom if parochial school teachers were allowed to "organize." The court specifically stated that allowing the staff of a parochial school to become part of the collective bargaining process would violate the first amendment of the United States Constitution. That court recognized that there would be an interference with the school's right to manage its own affairs in accordance with its religious tenets.

It is understood that HB 2626 purports to prohibit the PLRB from interpreting religious teaching or otherwise interfering with religious practice. However, the United States Supreme Court recognized the unrealistic and impractical consequences of such language. In *NLRB v Catholic Bishop of Chicago*, 440 US 490 (1979), the case which affirmed the earlier cited decision, the U.S. Supreme Court stated that "...after examining the church-teacher relationship *NLRB* jurisdiction would present 'a significant risk' of infringing the first amendment." The key phrase is "significant risk." Notwithstanding the language of HB 2626, it will be impossible for the PLRB, when supervising and enforcing the bargaining and grievance procedures in an evangelical Christian school, to not interfere with, contradict, or infringe upon the religious convictions of the church. It is significant that the Pennsylvania Supreme Court, in 1997,

endorsed and followed the *Catholic Bishop of Chicago* case in *Association of Catholic Teachers v. PLRB*, 547 Pa 594,692 A.2d 1039 (1997).

Although there is diversity of church polity in the evangelical community, in all groups of which I am aware, lay people hold vital spiritual leadership roles. Those include deacons, elders, pastors, assistant pastors, music directors, children's workers, school teachers, and many others. Actually, teachers and staff in evangelical Christian schools are, essentially, ministers, clergy. They are required to believe and practice the doctrines of the church and they must be prepared and inclined to minister to the students. Many, if not most, have formal religious training. And, without question, they are required to teach every subject from a Biblical perspective. The very language of HB 2626 and the Act itself "confers powers and imposes duties upon the PLRB" that will supersede local church authority. Those powers and duties will bring them into direct conflict with the religious convictions and practices of the churches and other religious groups who minister through Christian schools.

If you want to destroy diversity in the exercise of religion in the Commonwealth of Pennsylvania, pass HB 2626. You could not do any more harm to religious freedom and practice if HB 2626 included, not just teachers, but also licensed, commissioned, and ordained ministers.