



November 18, 2013

**VIA CERTIFIED MAIL,**  
**RETURN RECEIPT REQUESTED**

The Hon. Jeff Haste  
The Hon. Mike Pries  
The Hon. George P. Hartwick, III  
Dauphin County Commissioners  
P.O. Box 1295  
Harrisburg, PA 17108

Re: Dauphin County's Violations of U.S. Constitution, Pennsylvania Constitution and Pennsylvania Religious Freedom Protection Act

Dear Sirs:

Liberty Institute and Independence Law Center represent Isaiah 61 Ministries, Inc. ("Isaiah 61"), a Pennsylvania non-profit religious ministry whose purpose is to demonstrate their Christian faith by providing meals, toiletries, clothing, and other forms of assistance to the men and women of Dauphin County who are currently homeless, the poor, and the elderly.

This letter provides notice of Isaiah 61's claims against Dauphin County pursuant to the U.S. Constitution's First Amendment, the Pennsylvania Constitution, and the Pennsylvania Religious Freedom Protection Act, 25 Pa.C.S. § 2401, *et seq.*, as required by 25 Pa.C.S. 2405(b).

For the past five (5) years, staff and volunteers associated with Isaiah 61 Ministries have been providing meals, toiletries, clothing, and other forms of assistance as part of their religious exercise, a street ministry to the homeless men and women of Harrisburg as well as the poor and elderly. The primary location of Isaiah 61's ministry has been on the public right of way located behind the Dauphin County Courthouse at the intersection of S. River St. and Blackberry St. This ministry takes place well after normal business hours, extending from around 6:00 P.M. until 8:00 P.M. In recent years, Isaiah 61 has conducted this ministry every Tuesday and Wednesday. Other ministries engage in similar religious exercise throughout the rest of the week.

During the ministry time, volunteers and staff setup portable tables on which they set food, which is then plated by volunteers and handed to anyone coming through the line. On a typical evening, motivated by their religious beliefs, Isaiah 61 Ministries provides between 125 and 150 individual meals to the area homeless, underprivileged and elderly. This number, until the recent actions of Dauphin County forced a change, has continued to grow year-over-year.

As participants enjoy their meal, staff and volunteers engage them in conversation, often pray with them, and otherwise express their religious beliefs person-to-person. It is in this time

that other needs are identified, opportunities to share the Christian Gospel are provided, and relationships are built. The men and women are encouraged to participate in other aspects of Isaiah 61's ministry, including programs meant to help transition them from living on the streets of Harrisburg to leading productive, contributing lives. So effective is this ministry that, on any given week, graduates of Isaiah 61's programs return to reinvest themselves in the lives of those they once lived among. The evening concludes with a brief gospel message and prayer by one of the leaders of Isaiah 61.

Importantly, Isaiah 61 is a private nonprofit Pennsylvania corporation, deriving no financial assistance from local, state, or federal government. It is sustained by hundreds of volunteers and private individuals concerned for the well-being of those who are poor, elderly, or for whatever reason of life, reduced to life without a home, poor, or elderly. Volunteers from area Christian congregations and area businesses donate the food, assemble the meals, coordinate the servers of the food, and provide a loving smile to those who choose to take part.

In addition to the homeless, local residents whose public assistance is insufficient to cover their needs often take part in the street ministry. For many of these participants, it is the only service of which they can take part due to physical limitations. Few participants have any personal transportation (save for a wheelchair or crutches), others are elderly and cannot walk great distances from their abode, and, thus, many served by Isaiah 61 are unable to transport themselves to standalone missions, food banks, or government services.

In short, Isaiah 61, and others, provides a critical service at a critically unique location as a part of the exercise of the religion of the staff and volunteers of this Christian ministry.

On September 11, 2013, Mr. J. Scott Burford, Deputy Chief Clerk, acting on behalf Dauphin County and the Dauphin County Commissioners, approached the leaders of Isaiah 61 and informed them that they were no longer permitted to engage in the aforementioned ministry activities. Mr. Burford offered little rationale for the abrupt change for the religious activity engaged in by Isaiah 61 over the past five years. Moreover, he suggested no alternative channel in which to conduct such religious exercise. Further, he initially informed those present that they could be subject to arrest for loitering for any future attempts to engage in the above described religious exercise on Dauphin County property. At subsequent meeting, on October 18<sup>th</sup>, 2013, Mr. Burford stated that participants engaged in religious ministry on the County's public property could be arrested for trespass.

Dauphin County's actions toward Isaiah 61 and the other ministries engaged in religious ministry outside the County Courthouse substantially burden these ministries' religious exercise without a compelling governmental interest. Moreover, in imposing an all out ban on ministry activity in a public area, Dauphin County has failed to employ the least restrictive means possible. As such, Dauphin County's actions constitute violations of the First Amendment to the Constitution of the United States of America, Article 1, § 3 of the Constitution of the

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Commonwealth of Pennsylvania, and the Pennsylvania Religious Freedom Protection Act, 25 Pa.C.S. § 2401, *et seq.*

We note that at least one Federal court in Pennsylvania has recently found the very activity of Isaiah 61 to be religious exercise due protection pursuant to the aforementioned constitutional and statutory standards. *See Chosen 300 Ministries, Inc., et al. v. City of Philadelphia*, 2012 U.S. Dist. LEXIS 112046 (E.D. Pa., August 9, 2012).

Therefore, on behalf of Isaiah 61, we request that you immediately rescind your ban prohibiting Isaiah 61 from engaging in its religious ministry activities on the public right of way located behind the Dauphin County Courthouse at the intersection of S. River St. and Blackberry St. after normal business hours, extending from around 6:00 P.M. until approximately 8:00 P.M.

We look forward to receiving your written response to this demand no later than thirty (30) days of the date of this letter.

Thank you for your prompt attention to this matter. I may be reached at 972-941-4444.

Sincerely,



Jeremiah G. Dys, Esq.  
Attorney, Liberty Institute

Randall L. Wenger, Esq.,  
Chief Counsel, Independence Law Center