

Solomon

FIFTY-THIRD JUDICIAL DISTRICT
LAWRENCE COUNTY, PENNSYLVANIA

Synagogue

IN RE:

CONGREGATION TIFEREETH ISRAEL
IN RE:
CONGREGATION TIFEREETH ISRAEL

IN THE COURT OF COMMON PLEAS
IN THE COURT OF COMMON PLEAS
LAWRENCE COUNTY, PENNSYLVANIA
NO. 68 of 1981, O.C.
MEMORANDUM
NO. 68 of 1981, O.C.

ORDER OF COURT

NOW, July 29, 1983, in conformity with the memorandum opinion filed herewith, the court denies the relief sought by the petitioners.

BY THE COURT:

Francis X. Carozzo

J.

Certified from the record
NEW CASTLE-LAWRENCE COUNTY
PENNSYLVANIA this

29

day of

July 19 83

John [unclear]
Clerk of Courts

53RD
JUDICIAL
DISTRICT

LAWRENCE COUNTY
PENNSYLVANIA

IN RE: : IN THE COURT OF COMMON PLEAS
CONGREGATION TIFERETH ISRAEL : LAWRENCE COUNTY, PENNSYLVANIA
: :
: :
: :
: NO. 68 of 1981, O.C.

MEMORANDUM OPINION

CAIAZZA, J.

July 29, 1983

In 1981 certain named individuals filed a petition before this court seeking a review of corporate action which proposed the consolidation of two religiously affiliated nonprofit corporations. Attempting to amicably resolve the controversy, the parties reached a settlement agreement, but only after hours of arduous negotiation. The accord resulted in the drafting of a document, aptly entitled "New Joint Unification Committee Report," which was structured as a vehicle to aide in the establishment of a monolithic organization. A settlement agreement was also executed by the parties.

That effort failed.

The petitioners are now moving this court to hold the respondents in civil contempt of court. The basis of this request is bottomed upon the respondents apparent attempt to join the United Synagogue of America and to employ a rabbi who the petitioners feel will not perpetuate their standards of Judaism.

Legally, the petitioners opine that the proposed action is

in derogation of both the principals delineated in the Joint Unification agreement and the settlement agreement.

The petitioners describe the United Synagogue of America as "[A] national organization affiliated with Conservative Judaism" See p.2, brief of petitioners. The testimony also indicates that the petitioners are not satisfied that the new rabbi will sufficiently dedicate himself to the practices of traditional Judaism.

Relevant here is the settlement agreement, which provides that the purpose of Congregation Tifereth Israel is:

'To provide a place of worship of the God of Israel, and to serve the community in its religious, cultural and educational needs, according to the rights and customs of Traditional Judaism', and 'To perpetuate, disseminate and teach the ideals, principles and religious practices of Judaism according to the Torah, Talmud and Sages, through religious services, and educational program and other suitable activities and functions.'

Apparently, the petitioners consider the employment of the rabbi and the proposed affiliation with the United Synagogue as a departure from traditional Judaism.

At the outset the court holds that it will not grant the relief requested by the petitioners.

The right to practice ones religion, the right to communicate with a God, the right to participate in a service in a synàgogue, in a church, or even the right to sit under a tree, reflecting upon the thoughts of a scripture passage, are all integral parts

of our constitutional guarantees inherent within the grasp of the people. Whether or not one listens to the refrains of organ music while he is in prayer or whether or not he sits with his family during a religious service, or even whether he kneels or stands while receiving his God in communion are all matters best left to the members of the particular religious community.

Consequently, when religion becomes a part of our civil law, when courts and legislatures trespass over the fine line which separates church and state, when judges interpret matters of moral doctrine and decide ecclesiastical disputes, we will then have embarked upon a voyage that can eventually lead to the secular control of all religions.

In this case, the petitioners are seeking secular intrusion into an ecclesiastical issue. This court cannot and should not decide whether the community of Tifereth Israel should adhere strictly to the teachings of Torah, Talmud, and the Sages because they are all divinely inspired. Abington School District v. Schampp, 374 U.S. 203, 10 L.Ed.2d 844, 83 S.Ct. 1560 (1963).

Nor can or will this court enjoin the members of Tifereth Israel from hiring a Rabbi because of his affiliation with a form of Judaism, be it reformed, traditional, orthodox or conservative. The freedom to select their spiritual leader, when no improper method is demonstrated, is guarded by constitutional guarantees and is a principal part of the free exercise of religion which prohibits secular interference. See Kedroff v. St. Nicholas

Cathedral, 344 U.S. 94, 97 L.Ed. 120, 73 S.Ct. 143 (1952).

See also Gonzalez v. Archbishop, 280 U.S. 1, 74 L.Ed. 131, 50 S.Ct. 5 (1929). The court will also not intervene with Tifereth Israel's attempt to associate with the United Synagogue of America. No court should define, interpret or censor the doctrines of any religious persuasion, nor should a court decide if a church has departed from its original doctrines and tenets. See Presbyterian Church in the U.S. v. Mary Elizabeth Blue Hull Memorial Pres. Church, et al., 393 U.S. 440, 21 L.Ed.2d 658, 89 S.Ct. 601 (1969).

Judicial action of that nature would only tend to co-mingle church government with civil government. The two do not mix. The tenets of religion and faith are best left to those who practice them. Consequently, this court has no role in determining ecclesiastical questions.

MEMORANDUM OPINION

IN RE :

CONGREGATION TIFERETH ISRAEL

IN THE COURT OF COMMON PLEAS

LAWRENCE COUNTY, PENNSYLVANIA

NO. 68 OF 1981, O.C.

JUDGES' CHAMBERS
FRANCIS X. CAIAZZA, J.
LAWRENCE COUNTY GOVERNMENT CENTER
NEW CASTLE, PENNSYLVANIA 16101