

September 8, 2022

***Via Overnight and First-Class Mail:***

Friendship Fire Company of Bressler, Pennsylvania  
625 Main Street  
Bressler, PA 17113

**Re: Friendship Fire Company of Bressler, PA  
File No. 037281-193228**

To whom it may concern:

Please be advised that this office represents Swatara Township as the Solicitor. Enclosed is a letter received from the Office of Attorney General indicating that the Civil Rights Enforcement Section has become aware of concerns that the Friendship Fire Company of Bressler and its affiliated social club may have a policy and practice of excluding African Americans and other racial or ethnic minorities from membership and participation.

As a Township with a commitment to diversity and anti-discrimination, these allegations are of the gravest concern. Further, as a municipal entity that receives funding via the Commonwealth of Pennsylvania for public safety services in general, and fire protection services in particular; any such conduct as alleged by the Civil Rights Enforcement Section could have the likely impact of interfering and completely jeopardizing those funding sources.

Therefore, as a condition to the Friendship Fire Company of Bressler's continued affiliation with Swatara Township Fire-Rescue we are requiring that the following actions be taken consistent with the request of the Civil Rights Enforcement Section;

1. The Friendship Fire Company of Bressler shall add the following into its Constitution and By-Laws, Article 4; "Section 3: No person shall be excluded from membership on the basis of race, color, ancestry, national origin, or similar discriminatory factors." and
2. The Friendship Fire Company of Bressler shall add to any website or social media site maintained by the Friendship Fire Company of Bressler the following language: "The Friendship Fire Company of Bressler and its affiliated social club welcomes interest in membership, and participation, from all qualified persons without regard to race, color, ancestry, national origin, or similar discriminatory factors."

A representative of the Friendship Fire Company of Bressler should immediately contact my office to discuss confirmation that the above actions will be taken. To ensure compliance with

the timeline requested by the Civil Rights Enforcement Section, contact should be made with my office no later than September 14, 2022.

Please be advised that should the Friendship Fire Company of Bressler refuse to take the above actions, such refusal will seriously risk Swatara Township's revoking of all support to the fire company and ending the company's affiliation with Swatara Township Fire-Rescue.

We look forward to your anticipated cooperation and prompt response.

Sincerely,

**TUCKER ARENSBERG, P.C.**



Kevin L. Hall  
KLH/eld  
Enclosure

cc: Jim Fosselman, Manager, Swatara Township  
Darrell Reider, Director of Public Safety, Swatara Township  
Mike Ibberson, Fire Chief, Swatara Township  
Swatara Township Board of Commissioners  
Corbett Anderson, Chief Deputy Attorney General  
Mark Pacella, Chief Deputy Attorney General

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COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

August 5, 2022

Office of Attorney General  
Civil Rights Enforcement Section  
14th Floor, Strawberry Square  
Harrisburg, Pennsylvania 17120  
Phone: 717-787-0822

Kevin Hall, Esq.  
Solicitor, Swatara Township  
Tucker Arensberg, P.C.  
300 Corporate Center Drive, Suite 200  
Camp Hill, PA 17011

Re: Friendship Fire Company of Bressler, PA; Affiliated Social Club

Dear Solicitor Hall:

The Pennsylvania Office of Attorney General, Civil Rights Enforcement Section, has become aware of concern that one of the volunteer fire companies under the purview of Swatara Township – the Friendship Fire Company of Bressler, and its affiliated social club – may have a policy or practice of excluding African Americans and other racial or ethnic minorities from membership and participation.

The Office of Attorney General has jurisdiction over charitable trusts pursuant to statute, 20 Pa. C.S.A. § 7735(c), as well as pursuant to its *parens patriae* powers. *In re Pruner's Estate*, 390 Pa. 529, 531 (1957). A charitable organization is one that “advances a charitable purpose if it makes gifts of services or property for general public use which are designed to benefit an indefinite number of persons from an educational, religious, moral, physical or social standpoint,” among other criteria. 61 Pa. Code § 32.1. *See also* 15 Pa. C.S. § 102.

The Bressler volunteer fire company is likely a charity. Its Form 990 states that it is a 501(c)(4) organization, meaning that it is a social welfare organization with tax-exempt status. Moreover, its constitution and bylaws confirm that it exists to serve a public purpose. *See* Friendship Fire Company of Bressler Constitution and Bylaws, Art., III (“The object of this Company is to provide fire protection for the residents of Bressler and vicinity, to save life and property, and to provide physical and moral culture and sociability among members.”).

As a charity, neither the Bressler volunteer fire company nor its affiliated social club may maintain a policy or practice at odds with its public purpose. This means, among other things, that they may not maintain racially exclusionary policies or practices. *E.g., Bob Jones Univ. v.*

*United States*, 461 U.S. 574 (1983). The public is disserved, as well, by an appearance or reputation of racial exclusion that has the same effect.

Thus, it is imperative to assure the public that persons of all races and ethnicities are welcome as members (active, social, junior social, honorary) in the Friendship Fire Company of Bressler, and as members and participants in its affiliated social club. The Office of Attorney General thus requests that Swatara Township take the following measures:

- Ensure that the Friendship Fire Company of Bressler inserts the following into its Constitution and Bylaws, Art., VI: “Section 3: No person shall be excluded from membership on the basis of race, color, ancestry, national origin, or similar discriminatory factors.”
- Prominently add to the Friendship Fire Company of Bressler’s website, and all affiliated websites or social media sites, the following: “The Friendship Fire Company of Bressler and its affiliated social club welcomes interest in membership, and participation, from all qualified persons without regard to race, color, ancestry, national origin, or similar discriminatory factors.”

The refusal of the Friendship Fire Company of Bressler, and its affiliated social club, to take the above actions should, of course, seriously risk Swatara Township revoking all support to the fire company (fiscal, equipment, etc.) and ending the company’s affiliation with Swatara Township Fire-Rescue. As you know, Swatara Township took a similar action against the Lawton Fire Company in 2018 (<https://thehill.com/blogs/blog-briefing-room/news/395783-pa-town-suspends-entire-fire-department-over-racial-slurs>).

We request that the above actions be completed no later than September 30, 2022. Please do not hesitate to call me if you have any questions.

Sincerely,



Corbett Anderson  
Chief Deputy Attorney General  
Civil Rights Enforcement Section  
PA Office of Attorney General

cc: Mark Pacella  
Chief Deputy Attorney General  
Charitable Trusts & Organizations Section  
PA Office of Attorney General