

FREEDOM FROM RELIGION *foundation*

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June 24, 2015

SENT VIA U.S. MAIL AND EMAIL:

eglancy@casselberry.org

The Honorable Charlene Glancy
Mayor, City of Casselberry
95 Triplet Lake Drive
Casselberry, FL 32707

Re: Unconstitutional partnership between Camp Casselberry and Church Together

Dear Mayor Glancy:

I am writing on behalf of the Freedom From Religion Foundation regarding a constitutional concern that is scheduled to occur in the City of Casselberry. We were contacted by a concerned local citizen. FFRF is a national nonprofit organization with more than 22,500 members across the country, including more than 1,100 members in Florida and a local chapter, Central Florida Freethought Community. Our purpose is to protect the constitutional principal of separation between state and church.

It is our understanding that this Friday, June 26, 2015, Camp Casselberry is scheduled to partner with Church Together, an evangelical Christian Church, and the Orlando City Soccer Club Street Team for the camp's "Friday Fun Day" at Secret Lake Park. We understand that Pastor Andy Searles and church volunteers will be participating in and facilitating this event. We understand that Mr. Searles partnered with Camp Casselberry in 2014 and that his message to campers was to be good at three aspects of life: physical, mental, and spiritual. Mr. Searles likened being "spiritually good" to being "scripturally good." In other words, obeying his particular holy book. Our concern is that Mr. Searles and church volunteers will take this opportunity to again proselytize to Camp Casselberry campers. Please see enclosed photos.

The Supreme Court has said time and again, "The touchstone for our analysis is the principle that the 'First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.'" *McCreary County v. ACLU*, 545 U.S. 844, 860 (2005) (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Board of Ed. of Ewing*, 330 U.S. 1, 15-16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985)). The message Mr. Searles delivered and will likely deliver during this event demonstrates the City's preference for religion over nonreligion, and more specifically Christianity over all other faiths.

Further, "the Supreme Court has repeatedly stated that the [Constitution is violated] if official action, regardless of its purpose, 'conveys a message of endorsement or disapproval' of religion." *Roberts v. Madigan*, 921 F.2d 1047, 1054-55 (10th Cir. 1990) (citing *Jaffree*, at 56 n. 42); *Sch. Dist. of Grand Rapids v. Ball*, 473 U.S. 373, 389 (1985); *Lynch v. Donnelly*, 465 U.S. 668, 690 (1984); *Lemon v. Kurtzman*, 430 U.S. 602, 619 (1971)). Put simply, government power cannot be "exploited to proselytize or advance any one, or to disparage any other, faith or belief." *Marsh v. Chambers*, 463 U.S. 783 (1983). By partnering with Church Together, regardless of the City's intentions, the City is advancing the church and its teachings.

Additionally, the city's partnership with Church Together sends the message "to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members..." *Jaffree* at 53. (citations omitted). This partnership excludes the nearly 30% of U.S. and Florida residents who are non-Christian.¹

Since this event is being sponsored by the City, through Camp Casselberry, paid or not, Mr. Searles and the church volunteers are bound by the First Amendment like any other government employee and must remain neutral towards religion during their participation in Camp Casselberry. Additionally, the city would be liable for their constitutional violations if they fail to remain neutral towards religion during their participation in this event. This puts the city in the awkward position of policing Mr. Searles' speech to ensure it comports with the Establishment Clause.

Please note that it is not a violation of the free speech rights of Mr. Searles or Church Together volunteers when the city regulates what they say to campers while acting as camp volunteers. Therefore, the City has a duty to regulate religious proselytizing during city-sponsored activities. *See Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006) ("We hold that when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.").

The City cannot use or allow churches to use a city summer camp to proselytize to other people's children.

To avoid these potential constitutional violations and the liability that comes with them, we urge the City to cancel Camp Casselberry's partnership with Church Together for this week's Friday Fun Day and find a more inclusive option. However, if the City decides to go forward with Friday's planned activity, it must make sure that Mr. Searles and Church Together volunteers know that during the event they must remain neutral towards religion. Please respond in writing, outlining the steps the City will take to prevent these constitutional violations.

Sincerely,



Andrew L. Seidel
Staff Attorney

ALS:njf

Enclosure

cc: City Commission via: commission@casselberry.org

¹ *America's Changing Religious Landscape*, Pew Research Center (May 12, 2015) available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.

Let's Come Together Calendar

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Summer Serve Event

Friday 26 June 2015 10:00am - 12:00pm

Join us as we partner with Orlando City Soccer and Camp Casselberry to serve our communities kids!

Location : Secret Lake Park

Contact : Andy@OurChurchTogether.com

by andy

Hits 10

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Church Together Kids and Volunteers +
Camp Casselberry Kids +
Orlando City Street Team =
GOOD TIMES

Friday, June 26th, 10am at Secret Lake Park

SERVE WITH US! Look out for more details of this exciting partnership coming soon! <http://ow.ly/OIlgL>

Tracy Buckley Beaver and Janis Bebe Keith Martin like this.

1 share