

# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 › MADISON, WI 53701 › (608) 256-8900 › WWW.FFRF.ORG

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**SENT VIA EMAIL & U.S. MAIL: [thill@palatka-fl.gov](mailto:thill@palatka-fl.gov), [tmccaskill@palatka-fl.gov](mailto:tmccaskill@palatka-fl.gov),  
[jcampbell@palatka-fl.gov](mailto:jcampbell@palatka-fl.gov), [wjones@palatka-fl.gov](mailto:wjones@palatka-fl.gov), [rborom@palatka-fl.gov](mailto:rborom@palatka-fl.gov)**

The Honorable Terrill Hill  
Mayor  
City of Palatka  
201 N. 2nd Street  
Palatka, FL 32177

Re: Unconstitutional Funding to Calvary Missionary Baptist Church

Dear Mayor Hill and City Commission members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding serious constitutional concerns with the City of Palatka expending \$35,000 in taxpayer funds on a religious organization. FFRF is a national nonprofit organization with more than 37,000 members across the country, including nearly 1,800 members in Florida, and a local chapter, Central Florida Freethought Community. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned local resident has reported that the Palatka City Commission plans to consider a \$35,000 ask from Family Life Center representatives to help reopen the center's indoor pool at a meeting tomorrow. It is our understanding that the City is also considering entering into a partnership with Family Life Center as part of this expenditure of taxpayer funds.

The Family Life Center is owned and operated by the Calvary Missionary Baptist Church, which "exists for the purpose of: Magnifying Jesus Christ through worship and the Word, Moving believers in Jesus toward maturity and ministry, and Making Jesus known to our neighbors and the nations."<sup>1</sup> The Family Life Center is not a distinct entity from the Church, and serves the same purpose of spreading Christianity. The Center would undoubtedly use its pool to entice those in the community to come to the Center where it could then recruit them to join the Church.

While we certainly understand why the City would see value in helping to provide a pool for its community, it cannot use city funds to essentially repair a church's pool. Taxpayer funds should not be used to help a church recruit the City's children, and the Church's request should be denied.

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<sup>1</sup> <https://www.facebook.com/CalvaryMBCPalatkaFL/>

Our Constitution’s Establishment Clause—which protects Americans’ religious freedom by ensuring the continued separation of religion and government—dictates that the government cannot in any way endorse religion. As the Supreme Court has put it, “the First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cty. v. ACLU*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947).

The Constitution prohibits any “sponsorship, *financial support*, and active involvement of the sovereign in religious activity.” *Walz v. NY Tax Comm’n*, 397 U.S. 664, 668 (1970) (emphasis added); *see also Mitchell v. Helms*, 530 U.S. 793, 819 (2000); *Bowen v. Kendrick*, 487 U.S. 589, 621 (1988); *Roemer v. Bd. of Pub. Works*, 426 U.S. 736, 754-55 (1976); *Hunt v. McNair*, 413 U.S. 734, 743 (1973).

The Establishment Clause of the First Amendment also prohibits the government from funding religious worship and proselytization, both of which regularly occur at the Family Life Center, and would no doubt be more effective if the City gives the Church \$35,000. *See, e.g., Comm. For Pub. Educ. & Religious Liberty v. Nyquist*, 413 U.S. 756, 778–79 (1973) (striking down government-subsidized maintenance and repair of nonpublic schools); *Tilton v. Richardson*, 403 U.S. 672, 689 (1971) (holding that a 20-year ban on religious use of a taxpayer-funded building did not go far enough to ensure the grant would not advance religion); *Wirtz v. City of S. Bend*, 813 F.Supp.2d 1051, 1068 (N.D. Ind., 2011) (holding that a grant to a private religious school was unconstitutional).

In *Wirtz*, a federal court struck down a city’s donation of land to a religious school in exchange for public use of athletic facilities that the school planned on building on the land. The court explained that “Governmental programs or actions that provide special benefits to specific religious entities are impermissible... For governmental aid to religious institutions to be seen, for constitutional purposes, as not ‘endorsing’ religion, either the state’s payments must reach religious institutions only indirectly through programs of purely private choice or religious institutions must be getting nothing more than [...] secular governmental services or supplies on the same terms and conditions as anyone else as part of a neutral program.” *Id.* at 1059 (internal citations omitted). It is important to note that the free exercise rights of the Church are not at issue in this situation because it is requesting that the City expend discretionary funds, and has not applied for a publicly available grant. *See Trinity Lutheran Church of Columbia v. Comer*, 137 S. Ct. 2012 (2017).

Non-religious Americans make up the fastest growing segment of the U.S. population by religious identification – Thirty-seven percent of Americans are non-Christians, and this includes the nearly one in three Americans who now identify as religiously unaffiliated.<sup>2</sup> Officially

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<sup>2</sup> Gregory A. Smith, About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated, Pew Research Center (Dec. 14, 2021), available at [www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/](http://www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/). In U.S., Decline of Christianity Continues at Rapid Pace, Pew Research Center (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.

supporting the Family Life Center, and by extension the Calvary Missionary Baptist Church, “sends the ancillary 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 of the political community.’” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-310 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

The separation between state and church is one of the most fundamental principles of our system of government. The Supreme Court has specifically stated, “If there is any fixed star in our constitutional constellation, it is that **no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.**” *West Virginia Board of Education v. Barnette*, 319 U.S. 624, 642 (1943) (emphasis added). When a city expends \$35,000 of taxpayer funds in order to support a religious organization, reasonable citizens will interpret this as government endorsement of religion.

The City of Palatka cannot spend taxpayer funds to support religion. We request written assurances that the City will reject the Church’s request so that we may notify our local complainant that this matter has been resolved.

Sincerely,



Christopher Line  
Staff Attorney  
Freedom From Religion Foundation