

FREEDOM FROM RELIGION *foundation*

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

August 2, 2012

Mr. David Ratliff
Willow Springs Water Park
3903 Willow Lake Road
Little Rock, AR 72206

Re: Discriminatory Discount

Dear Mr. Ratliff:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to a serious civil rights concern. Jeff Poleet, the Director of the charity Reaching Our Children and Neighborhoods (ROCAN), contacted us regarding a church discount offered at your water park. FFRF is a nationwide nonprofit organization with over 18,500 supporters, including over 100 members in Arkansas. Our purpose is to protect the constitutional principle of separation of state and church and to represent the rights and views of nonbelievers.

It is our information and understanding that Willow Springs Water Park has been offering a discount to church groups. It is our understanding that qualified groups were allowed to enter the water park for five dollars a person each on Mondays. It is our further understanding that on or before July 31, 2012 Leifel Jackson, the Executive Director at ROCAN, contacted Willow Springs to see if the discount would extend to ROCAN's group of thirty-five children to come to your water park. We understand that someone in your office told Mr. Jackson that ROCAN's children could not receive the discount because they were not part of a church group. It is our information that Mr. Poleet called you to confirm that ROCAN's children would be denied the aforementioned discount. It is our further understanding Mr. Poleet explained that ROCAN is a 501(c)(3) non-profit organization, just like churches. We understand as a result of that conversation you will no longer be offering any discount to any group for the duration of the year.

We are pleased to know that this illegal practice has ceased for the remainder of the year. We have concerns that this practice will recur next season. Therefore, we wish to draw to your attention federal and state law that prohibits this practice and urge you to reconsider in the future.

First and foremost, this church discount violates the federal Civil Rights Act. The Civil Rights Act states in relevant part, "All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation... without discrimination on the ground of race, color, *religion*, or national origin." 42 U.S.C. §2000a(a)(emphasis added). As a place of "public accommodation," it is illegal for Willow Springs Water Park to discriminate, or

show favoritism, on the basis of religion. *See* 42 U.S.C. § 2000a(b)(3)(defining a place of public accommodation as “any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment.”).

Secondly, the discount offered to church groups violates Arkansas state law. According to the Arkansas Civil Rights Act, “[t]he right of an otherwise qualified person to be free from discrimination because of . . . religion . . . is recognized and declared to be a civil right. This shall include . . . [t]he right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement.” ARK. CODE ANN. § 16-123-107(a), (a)(2).

Willow Springs Water Park’s restrictive promotional practice favors religious customers, and denies both customers who do not attend church as well as nonbelievers the right to “full and equal” enjoyment of Willow Springs Water Park. Any promotions should be available to all customers regardless of religious preference or practice on a non-discriminatory basis.

We understand that you are discontinuing these discounts altogether at least for the duration of the year. We are concerned that the discriminatory discounts will be continued at a later time or will be covertly offered. We kindly urge you to continue to not offer the discount altogether, or, if you decide to offer the discount in the future, make the discount available to all members of your community. Please notify us in writing about the steps you are taking to ensure this violation of federal and state law does not occur again so that we may notify our complainant. Thank you for your time and attention to this matter.

Sincerely,



Stephanie Schmitt

Staff Attorney

SAS:bz