

FREEDOM FROM RELIGION *foundation*

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May 21, 2013

SENT VIA EMAIL

Conservancy Lands Committee
City of Middleton
7426 Hubbard Ave.
Middleton, WI 53562

Re: Reject Church Request

Dear Conservancy Lands Committee Members:

I am writing on behalf of the Freedom From Religion Foundation (“FFRF”) to urge the Conservancy Lands Committee to prohibit the placement of tables by organizations within the City of Middleton Conservancy and to reject the request by Calvary Gospel Church to place tables near kiosks at the conservancy throughout the summer. The Freedom From Religion Foundation is a national nonprofit organization with hundreds of Dane County members and about 50 Middleton members. FFRF works to protect the separation between state and church and to educate the public on matters relating to nontheism.

We understand that the Committee, at its May 22 meeting, will address a request by Calvary Gospel Church to set up a table in the Middleton portion of the Pheasant Branch Conservancy to conduct a “Bible Opinion Survey.” On its face, it is apparent that the “survey” is really used for the purpose of recruiting church members and proselytizing. We are unaware of any other organizations that have been granted broad access to table at the conservancy, let alone for months at a time, as the church is requesting.

FFRF and our Middleton members are concerned that the promotional tables will be a hindrance on park use by others, including FFRF members who may wish to visit the conservancy without being confronted by religious proselytizers at tables near conservancy kiosks.

The best policy would be for the Committee to disallow tabling within the Middleton Conservancy. This assures that the conservancy may continue to be used for the purposes of outdoor recreation and enjoyment by all. This land use is consistent with the City of Middleton Conservancy Lands Plan 2011-16, which specifies that “the lands are managed for passive recreation and conservation purposes pursuant to Wis. Stats. § 28.20.” By introducing competing uses, such as tabling by religious, political, nonprofit, and other organizations, the Committee will be opening up the conservancy to unwanted and unnecessary competing uses that will spoil its quiet, tranquility and natural beauty. Rev. Ted Krajewski’s request specifically notes his purpose is to reach a captive audience in a “high traffic area” with a bible survey at “random times.” The purpose of the conservancy is to provide for nature conservation and opportunities for hiking, bird watching, volunteer restoration, and other passive recreation activities.

A policy that disallows tables is a valid time, place, or manner restriction consistent with the First Amendment. It is noteworthy that there are numerous alternative channels of communication besides tabling in the conservancy, including tabling on private property or the rental of Middleton Park facilities. Individuals also retain the right to engage in speech activities that are otherwise consistent with conservancy use policies.

We request that the Committee prohibit tabling within the Middleton Conservancy. This restriction would best serve the interests of conservancy users and Middleton and Dane County taxpayers.

Sincerely,



Patrick C. Elliott
Staff Attorney