

FREEDOM FROM RELIGION *foundation*

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

July 1, 2021

SENT VIA EMAIL & U.S. MAIL: parks@parks.sbcounty.gov

Beahta Davis
Director
San Bernardino County Regional Parks
777 E. Rialto Avenue
San Bernardino, CA 92415

Re: Religious Favoritism and **Public Records Request**

Dear Director Davis:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional concern occurring in Lake Gregory Regional Park. FFRF is a national nonprofit organization with nearly 36,000 members across the country, including nearly 5,000 members in California. 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 concerns with a long term rental agreement between Woodlands Church and Lake Gregory Community Recreation Company concerning the San Moritz Lodge. Our complainant reports that Woodlands Church is receiving a favorable rate to rent the lodge that is not available to other entities or individuals wishing to rent the lodge, including a reduced parking rate for its members. We understand that Woodlands Church has declared San Moritz Lodge, a public facility, its new permanent home and even lists the lodge's address as its official address. We also understand that Woodlands Church has been given permission to install lights and displays during the Christmas season in the park.

Entering into an exclusive, long-term use agreement with Woodlands Church raises serious constitutional concerns and likely violates the Establishment Clause of the First Amendment. Allowing Woodlands Church to make San Moritz Lodge its permanent place of business through a long-term use agreement to the exclusion of all other churches, religious organizations and/or other secular community groups or individuals who wish to use this public facility impermissibly advances religion. This agreement demonstrates not only the County's preference for religion over non-religion, but also a favoritism of Christianity over all other faiths.

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.'" *Id.* at 860 (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985)). The permanent rental of a public facility to a church creates an appearance of government sponsorship of religion. The "... sponsorship of a religious message is impermissible because it 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, 309–10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688) (O'Connor, J., concurring).

Another issue raising concerns is that Woodlands Church, which has indicated that it has no intention of finding permanent space on private property, is benefitting from the more inexpensive rental of public

property. Public resources are generally cheaper than private facilities and Woodlands Church is clearly taking advantage of the low usage rates for its worship services. This amounts to taxpayer subsidy and must be discontinued. The taxpayers, under the federal and California Constitutions, should not be compelled to subsidize sectarian worship.

Public parks and facilities are a vital community gathering space for local residents, and religious groups should not be allowed to take them over, especially while receiving a reduced rate to do so. We ask that San Bernardino County Regional Parks take action to ensure that Woodlands Church is not being given favorable treatment in its rental of the San Moritz Lodge, and that it is also not allowed to rent the facility permanently to the exclusion of all others that may wish to rent the facility. Please also respond to the following public records request. Thank you for your time and attention to this matter.

Public Records Request

Pursuant to the California Public Records Act § 6253, I hereby request a copy of the following:

1. All rental rate schedules and policies for rental of the San Moritz Lodge;
2. Any contracts or agreements between Woodlands Church and Lake Gregory Community Recreation Company or San Bernardino County Regional Parks;
3. Any communications, including but not limited to emails, between representatives of Woodlands Church and representatives of Lake Gregory Community Recreation Company or San Bernardino County Regional Parks regarding the rental of San Moritz Lodge or the church's installation of lights and displays during the Christmas season;
4. Any other records concerning Woodlands Church and its relationship with Lake Gregory Community Recreation Company or San Bernardino County Regional Parks;
5. Any contracts, agreements, or proposals regarding Lake Gregory Community Recreation Company's management of Lake Gregory Regional Park;
6. Any communications between representatives of San Bernardino County Regional Parks and representatives of Lake Gregory Community Recreation Company or representatives of Thousand Pines Christian Camp regarding any contracts, agreements, or proposals for the management of Lake Gregory Regional Park.

I request a response within ten (10) days. If all or any part of this request is denied, I request a written statement of the grounds for the denial. If your agency does not maintain these public records, please provide the names and addresses of the proper custodians of these records. If any records are available in electronic format (preferred), you may email them to chris@ffrf.org.

If I can provide any clarification that will help expedite your attention to my request, please contact me at (608) 256-8900. Thank you for your time and attention to this matter.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

Cc: Lake Gregory Community Recreation Company via info@lakegregory.com
Louis Gamache, Chair, Park Advisory Commission via (909) 387-2052