

# FREEDOM FROM RELIGION *foundation*

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

June 14, 2024

**SENT VIA EMAIL & U.S. MAIL: CSkowyra@townofdillon.com**

The Honorable Carolyn Skowyra  
Mayor  
Town of Dillon  
275 Lake Dillon Drive  
Dillon, CO 80435

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

Dear Mayor Skowyra and Town Council members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional concern with the Town Council's preferential treatment of Dillon Community Church in its rental of the Dillon Amphitheater. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 1,300 and two chapters in Colorado. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that the Town Council has a longstanding informal agreement with Dillon Community Church giving it exclusive access to the Dillon Amphitheater for its Sunday services. A recent article in the Summit Daily explained that the Council recently rejected a recommendation from its attorney to create a policy clarifying what groups can use the amphitheater, opting instead to continue its policy and practice of granting privileged access to Dillon Community Church.<sup>1</sup> We understand that the amphitheater is very popular and that many residents and local organizations regularly request to use it, but that the church is the only organization that has been granted a permanent reservation each week in order to hold its religious worship services.

Granting exclusive, long-term use of the amphitheater to Dillon Community Church for its worship services raises serious constitutional concerns and likely violates the Establishment Clause of the First Amendment. Allowing the church to use the amphitheater every week 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 arrangement demonstrates not only the Town's preference for religion over non-religion, but also a favoritism of Christianity over all other faiths and Dillon Community Church over all other churches.

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 . . .

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<sup>1</sup> <https://www.summitdaily.com/news/dillon-amphitheater-religious-services/>

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) (1984) (O’Connor, J., concurring).

Another concerning issue is that Dillon Community Church is benefitting from the more inexpensive rental of public property. Public resources are generally cheaper than private facilities and the church appears to be taking advantage of the low usage rates for its worship services. This amounts to taxpayer subsidy and must be discontinued. Taxpayers 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 to the exclusion of all others. We ask that the Council take action to ensure that Dillon Community Church is no longer being given favorable treatment in its rental of the amphitheater. All organizations and individuals in Dillon should have an equal opportunity to rent the amphitheater at all times. 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 Colorado Open Records Act (C. R. S. § 24-72-201), I request a copy of the following records since January 1, 2022:

1. All rental rate schedules and policies for rental of the Dillon Amphitheater;
2. Any contracts or agreements between Dillon Community Church and the Town of Dillon;
3. Any communications, including but not limited to emails, between representatives of Dillon Community Church and representatives the Town of Dillon regarding the rental of the amphitheater;
4. Any other records concerning Dillon Community Church and its relationship with the Town of Dillon;
5. Any requests for use of the Dillon Amphitheater, or communications related to requests, that were rejected because of Dillon Community Church’s use of the amphitheater;

If you choose to deny this request, please respond with a written explanation of the denial, including any references to applicable statutory exemptions relied upon. If any of these records are available through electronic media, they may be e-mailed to [records@ffrf.org](mailto:records@ffrf.org). If I can provide any clarification that will help expedite your attention to my request, please contact me at 608-256-8900 or [chris@ffrf.org](mailto:chris@ffrf.org). Thank you for your time and attention.

Sincerely,



Christopher Line  
Staff Attorney  
Freedom From Religion Foundation

Cc: Nathan Johnson, Town Manager *via* [Nathanj@townofdillon.com](mailto:Nathanj@townofdillon.com)