



**AMERICAN ATHEISTS
LEGAL CENTER**

718 7th Street NW, Washington DC 20001

January 2, 2019

Via Certified Mail & Email

John Hill, Director
Person County Recreation, Arts & Parks Dept.
425 Long Avenue
Roxboro, NC 27573

**Re: Government-sponsored trip to the Ark Encounter and Creation Museum;
Records request**

Dear Mr. Hill:

The American Atheist Legal Center (AALC) recently learned that the Person County Recreation, Arts & Parks Department (Parks Department) has organized a trip to the Ark Encounter and Creation Museum from April 29th through May 4th, 2019. In its Fall & Winter Program Guide 2018, the Parks Department includes the trip as one of its "Recreation Programs." The trip includes visits to the Ark Encounter, the Creation Museum, the Cincinnati Zoo, and the Newport Aquarium, as well as meals and lodging. Residents wishing to visit the zoo and aquarium have no choice but to register and pay for visits to all four locations, regardless of whether they wish to attend. Not only is this trip expressly promoting and benefiting an Evangelical Christian ministry, a violation in and of itself, but it places coercive pressure on residents in your community and funnels their money into the coffers of that same ministry, whether the residents wish to visit those facilities or not. For these reasons, it appears that this trip violates the Establishment Clause of the First Amendment.

The AALC is part of American Atheists, Inc., a national nonprofit organization dedicated to the separation of religion and government and elevating atheists and atheism in our nation's public and political discourse. American Atheists is based in Cranford, New Jersey, and has more than 350,000 members and supporters across the country, including in Person County.

"The Ark Encounter and Creation Museum" trip violates the Establishment Clause.

The Establishment Clause of the First Amendment of the U.S. Constitution requires that government make no law respecting an establishment of religion, a prohibition which extends to state governments via the Fourteenth Amendment.¹ The Establishment clause prohibits the government from taking "a position on questions of religious belief," through "endorsement,

¹ *School District of Abington Twp. v. Schempp*, 374 U.S. 203, 205 (1963).

favoritism, or promotion.”² Moreover, “when the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain.”³ “The State may not . . . pay for what is actually a religious education,”⁴ and the state impermissibly promotes religion when its funds are funneled “to an institution in which religion is so pervasive that a substantial portion of its functions are subsumed in the religious mission.”⁵

Both the Ark Encounter and its “sister attraction,” the Creation Museum,⁶ are part of Answers in Genesis (AIG), “an apologetics (i.e., Christianity-defending) ministry, dedicated to enabling Christians to defend their faith and to proclaim the gospel of Jesus Christ effectively.”⁷ Specifically, AIG promotes religious tenets including Young-Earth Creationism (the claim that the entire history of the Universe “span[s] approximately 4,000 years from creation to Christ”), that non-Christians, Catholics, and Mormons “are subject to everlasting conscious punishment,” and that “no apparent, perceived or claimed evidence in any field, including history and chronology, can be valid if it contradicts the scriptural record.”⁸

As part of Answers in Genesis’ lackluster efforts to draw visitors to its Ark Encounter theme park,⁹ the organization is engaged in a campaign to draft local government agencies as shells for its “attractions.” By organizing and promoting this trip, the Parks Department has given Answers in Genesis its governmental stamp of approval. This conduct constitutes the sort of “endorsement, favoritism, or promotion” that the Establishment Clause prohibits.

In addition to violating the “endorsement test,” by organizing the trip as an all-or-nothing event, the Parks Department is putting coercive pressure on Person County residents. Those who wish to go on the trip in order to visit the Cincinnati Zoo or Newport Aquarium have no choice but to also pay for admission to the pervasively religious facilities operated by Answers in Genesis. This has the dual effect of a) placing coercive pressure on residents to attend the Answers in Genesis facilities when they otherwise would not, and b) directing funds provided by residents to an organization whose stated purpose is to provide a pervasively religious education.

The AALC respectfully requests that the Parks Department take steps to correct this situation by cancelling “The Ark Encounter and Creation Museum” recreation program and removing all materials promoting the event, the Ark Encounter, or the Creation Museum from Parks Department facilities. In addition, the Parks Department should take steps to devise, implement, and enforce policies that will prevent county funds from being devoted to religious activities or trips.

² *County of Allegheny v. ACLU*, 492 U.S. 573, 593-94 (1989) (internal quotation marks omitted).

³ *Engel v. Vitale*, 370 U.S. 421, 431 (1962).

⁴ *Roemer v. Bd. of Public Works*, 426 U.S. 736, 747 (1976)

⁵ *Roemer*, 426 U.S. at 752; *Columbia Union College v. Clarke*, 159 F.3d 151, 162 (4th Cir. 1998).

⁶ <https://arkencounter.com/area-attractions/>

⁷ <https://answersingenesis.org/about/>

⁸ <https://answersingenesis.org/about/faith/>

⁹ <https://www.courier-journal.com/story/news/2018/08/02/kentucky-ark-encounter-visitors-sink-lower-than-projections/878239002/>

American Atheists requests production of public records.

In addition, pursuant to the North Carolina Public Records Law,¹⁰ American Atheists requests that a copy of the following public records, or public records containing the requested information, be provided to records@atheists.org or at the mailing address above:

- 1) All written communication between the Parks Department (including its officers and employees) and each of the following individuals and entities, sent or received on or after January 1, 2017:
 - a) Ken Ham,
 - b) Answers in Genesis,
 - c) The Ark Encounter, and
 - d) The Creation Museum.

- 2) All written communication between the Parks Department (including its officers and employees) and any individual or entity, sent or received on or after January 1, 2017, containing the following terms:
 - a) "Ken Ham,"
 - b) "Answers in Genesis,"
 - c) "Ark Encounter," and
 - d) "Creation Museum."

- 3) All internal written communication between Parks Department officers and/or employees, sent or received on or after January 1, 2017, containing the following terms:
 - a) "Ken Ham,"
 - b) "Answers in Genesis,"
 - c) "Ark Encounter," and
 - d) "Creation Museum."

American Atheists respectfully requests a waiver of all fees, as the disclosure of the requested information is in the public interest, is being requested by a nonprofit advocacy organization, and is being sought for noncommercial purposes. However, if the fees are not waived, American Atheists is willing to pay up to \$20.00 for the processing of my request. Please notify me at (908) 276-7300, ext. 10, or via email at legal@atheists.org if you estimate the fees will exceed this amount.

The North Carolina Public Records Law requires the production of responsive records "as promptly as possible."¹¹ If the production of the requested records will take longer than ten business days, please inform me of when I should expect to receive copies of responsive records.

If you deny any or all of this request, please cite the justification for the refusal to release the information and notify me of the appeal procedures available under the law.

¹⁰ N.C. Gen. Stat. § 132-1, *et seq.*

¹¹ N.C. Gen. Stat. § 132-6.

Thank you for your time and assistance with this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Blackwell', written over a light gray rectangular background.

Geoffrey T. Blackwell, Esq.
Litigation Counsel
American Atheist Legal Center
legal@atheists.org