

This Attack on Religious School Is Downright Wicked

It appears that Jesus and jazz hands don't mix.

That's the gist of a legal battle in Auburn, New York, pitting City Hall against a summer glee camp hosted in the Case Mansion a building owned by the First Presbyterian Church.

The city's code enforcement officer issued a cease-and-desist order in July—alleging the church's musical theater glee camp was a zoning violation. And more than five months later—the wheels of justice are finally beginning to turn.

“Immediately cease use of property in an R-2 zone for commercial use,” the order read. “Cease operating a summer glee camp @100/camper in a residential district. This is not an allowable use here.”

City Hall would have us believe that the Presbyterians have taken to the streets like the children in “Fame,” dancing atop automobiles parked along Main Street while belting out, “I Sing the Body Electric.”

But that's hardly the case at all, says Pastor Eileen Winter.

“I believe this action is a misguided and discriminatory act on the city's part that not only harms the church's ability to carry out its religious mission in the community, but also threatens a chilling effect upon other faith organizations similarly situated in residential areas throughout the city,” the pastor said in a court deposition.

Here's the back story:

For the past two years First Presbyterian has hosted a musical theater glee camp in a mansion that is owned by the church and is adjacent to the sanctuary.

The camp was directed by a local couple with musical training. Students were tutored in singing, dancing and acting—as many as 78 in the 2014 session. The culmination of the summer camp was a performance held in a local theater.

The campers paid a fee to cover the costs of the instructors and materials during the three-week session. That's what they did in 2012 and 2013.

It wasn't until last July that the city took issue with the camp.

City Hall alleged the church, by charging a fee, was engaged in a commercial enterprise within a residential district. I suspect it could argue the same point about the church's Sunday morning offering.

This debacle of a farce could be a comedy if it wasn't so tragic.

The city manager's office declined to comment on the matter because it is a pending legal issue.

"Why in the world is the city prosecuting the church over a glee camp?" asked Hiram Sasser, a Liberty Institute attorney defending the church against the city's prosecution. Liberty Institute has a reputation for taking on religious liberty cases—and Sasser said First Presbyterian definitely has a case.

He said the church was not making a profit on the camp and therefore was not in violation of any ordinance.

"The facts are clear that the church made no monetary 'profit' from hosting the Glee Camp and had no intention to do so," Sasser wrote in court documents. "The church's motivation to host the Glee Camp was not profit-driven, but religious based."

Furthermore, he said that even if the camp was a commercial

enterprise, the city's attempt to ban it is a violation of the Religious Land Use Act.

As proof of the RLUA violation, Sasser said the city's zoning law allows carnivals to operate in the same residential area.

"If you can have carnivals in that zone, then certainly you can have kids playing and singing music," Sasser told me.

He makes a great point. I mean, what are they going to do next? Send down the health department to inspect congealed salads at the monthly church suppers?

Pastor Winter said the entire episode has been terribly upsetting to the congregation—and to be honest, it's tested her pastoral patience.

"I have to think a couple of times before I open my mouth," she said with a chuckle.

She said the city's prosecution of the church should serve as a wake-up call to other congregations.

"We can't rest on our laurels anymore," she said. "There are forces in our world now that are challenging the church's ability to minister. There are forces out there trying to stop us—not just in our community, but in other communities as well."

Based on the court documents I saw, the church could be facing fines of up to \$50 per day of the three-week camp. Now, I know that may not seem like a lot of money in the scheme of things—but there's a principle at stake here, folks.

You see, the church considers that glee camp to be a form of ministry. And it's beyond comprehension that a city government would try to regulate God's work. Consider this from the church's court statement:

"The summer Glee Camp is an essential part of the church's

religious mission. The summer Glee Camp brings people to the church with whom the church wants to build a faith relationship and who may be reluctant to visit the church or may be looking for a church home. The camp advances the church's religious mission of supporting the community and the love of music."

And the love of Rodgers and Hammerstein, I might add.

First Presbyterian Church was founded in 1810, and as far as anyone can figure, this is the first time the congregation has run afoul of the law.

"It's terribly sad," the pastor told me.

It's beyond sad. As they say on Broadway—it's downright "Wicked."

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