



# FREEDOM FROM RELIGION FOUNDATION

P.O. Box 750 • Madison WI 53701 • (608) 256-8900 • [www.ffrf.org](http://www.ffrf.org)

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April 13, 2010

**SENT VIA MAIL AND FAX  
(414) 286-3191**

The Honorable Tom Barrett  
Office of the Mayor  
City Hall, Room 201  
200 E. Wells Street  
Milwaukee, WI 53202

Re: Good Friday Closings

Dear Mayor Barrett:

I am contacting you on behalf of a concerned Milwaukee resident and other Milwaukee taxpayers and members of the Freedom From Religion Foundation (FFRF) about a serious state/church violation. FFRF is a national organization, which represents more than 14,600 members across the country, including nearly 1,200 in Wisconsin. Our purpose is to protect and enforce the constitutional separation of state and church.

It is our information and understanding that the Office of the Mayor, the Common Council, Municipal Court, public libraries, garbage and recycling service and Milwaukee administrative agencies were closed on April 2, 2010, in observance of Good Friday, a Christian holiday.

Although there used to be an unconstitutional recognition of "Good Friday" in Wisconsin, FFRF sued the State over this violation and won in 1996. *See Freedom From Religion Foundation v. Thompson*, 920 F.Supp. 969 (W.D. Wis. 1996). Enclosed is the federal Court Order signed by Judge John C. Shabaz, dated Feb. 26, 1996, which overturned the state law recognizing Good Friday as a legal holiday in Wisconsin. The lawsuit was not appealed. As was pointed out in the legal briefs, "Good Friday" can in no way be construed as secular. In overturning the Good Friday state statute, Judge Shabaz stated that, "[t]he language of Wisconsin's Good Friday holiday law and its undisputed effect of favoring Christianity over other religions leads overwhelmingly to the conclusion that promotion of Christianity is the primary purpose of the law." *Id.* at 975-976.

By closing City offices, services, and the Municipal Court, the City of Milwaukee is in violation of the 1996 federal decision and court order. This practice further violates the Establishment Clause of the First Amendment because it not only promotes religion over

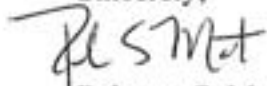
non-religion, but also impermissibly favors Christianity over all other faiths. "...[T]he First Amendment does not allow a state to make it easier for adherents of one faith to practice their religion than for adherents of another faith to practice their religion, unless there is a secular justification for the difference in treatment." *Metzl v. Leininger*, 57 F.3d 618, 621 (7th Cir. 1995)(overturning an Illinois law requiring public schools to close on Good Friday). Milwaukee does not close municipal offices for Yom Kippur, Ramadan or any other non-Christian religious holidays. Therefore, the City should not close its doors for a day commemorated only by Christians.

As a matter of policy, the City should remain open on Good Friday and provide regular services to Milwaukee citizens. The City is denying access to City services to all citizens, including the 15% of Milwaukee's population that is nonreligious (American Religious Identification Survey 2008) as well as believers of non-Christian faiths. This holiday costs the citizens of Milwaukee dearly. On April 2<sup>nd</sup> of this year, no citizen had access to the Municipal Courts, the public libraries or had garbage and recycling pick-up. Citizens are paying for important City services and should have access to those services. Instead, the City provides an extra vacation day for its employees.

If this holiday is due to union negotiation, then the unions should have been informed of the change in the law from fourteen years ago. This is non-negotiable. As a government body, you may not continue to approve union contracts, which observe a mandatory "Good Friday" holiday.

Enlightened cities and towns across the state of Wisconsin remained open on April 2<sup>nd</sup> this year without regard to observing this Christian holy day. These municipalities are in compliance with the fourteen year-old Good Friday decision and court order. We request that you respond in writing with assurances that this unconstitutional practice will not recur in 2011, or in future years.

Sincerely,



Rebecca S. Markert  
Staff Attorney

Enclosure

Cc: Common Council President Willie Hines Jr.  
Chief Municipal Court Administrator Kristine Hinrichs

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

FREEDOM FROM RELIGION  
FOUNDATION, INC., ANNE  
GAYLOR, ANNIE LAURIE  
GAYLOR, DAN BARKER,  
SAMUEL M. ESSAK,  
JENNIFER ESSAK, RICHARD A.  
UTTKE and MICHAEL HAKEEM,

JUDGMENT IN A CIVIL CASE

Case No.: 95-C-634-S <sup>55</sup>

FEB 26 1996

Plaintiffs,

v.

RECEIVED

FEB 27 1996

TOMMY G. THOMPSON and  
JON E. LITSCHER,

Ans'd. ....

Defendants.

This action came for consideration before the court with DISTRICT JUDGE JOHN C. SHABAZ presiding. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

THAT DECLARATORY JUDGMENT IS ENTERED IN FAVOR OF THE PLAINTIFFS AGAINST DEFENDANTS WITH COSTS DECLARING THAT WISCONSIN'S DESIGNATIONS OF GOOD FRIDAY AS A HOLIDAY IN WISCONSIN STATUTES § § 895.20 AND 230.(4)(a) ARE IN VIOLATION OF THE ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION.

Approved as to form this 23rd day of February, 1996.

JOHN C. SHABAZ  
DISTRICT JUDGE

Copy of this document has been provided to: Attys

Rosell + Means

this 26th day of Feb., 1996

By C. Wilson

Deputy Clerk

FEB 26 1996

Date

Joseph W. Skupniewitz, Clerk

by Deputy Clerk