

# FREEDOM FROM RELIGION *foundation*

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

May 12, 2017

**SENT VIA EMAIL AND U.S. MAIL:**  
**dnold@oconomowoc-wi.gov**

The Honorable David Nold  
Mayor  
174 E. Wisconsin Ave.  
Oconomowoc, WI 53066

Re: Unconstitutional religious signs on City property

Dear Mayor Nold:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to constitutional concerns regarding religious signs on City property in Oconomowoc. FFRF is a Wisconsin-based national nonprofit organization with more than 28,000 members across the country, including more than 1,200 members in Wisconsin. Our purpose is to protect the constitutional principle of separation between state and church.

A concerned local resident contacted us to report that there are two identical religious signs on City property in Oconomowoc. The signs say, "THE CHURCHES OF OCONOMOWOC WELCOME YOU," and there are prominent Latin crosses atop the signs. One sign is at Bender Park, on the west side of North Lake Rd. between Pine St. and Forest Dr., and the other sign is in front of a public works building, on the north side of E. Wisconsin Ave. just west of N. Lapham St. The signs are easily visible to drivers and anyone visiting Bender Park. Images of the signs are enclosed for your review.

The Supreme Court has long recognized that the First Amendment "mandates governmental neutrality between religion and religion, and between religion and nonreligion." *McCreary Cnty. v. ACLU*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947). Displaying signs that promote Oconomowoc's Christian churches, along with Latin crosses, fails to respect either constitutional mandate of neutrality. It endorses religion over nonreligion and Christianity over all other faiths.

The religious significance of the Latin cross is unambiguous and indisputable. "The Latin cross . . . is the principal symbol of Christianity around the world, and display of the cross alone could not reasonably be taken to have any secular point." *Capitol Square Review and Advisory Bd. v. Pinette*, 515 U.S. 753, 792 (1995) (Souter, J., concurring). An overwhelming majority of federal courts, including the Seventh Circuit Court of Appeals, which has jurisdiction over Wisconsin, agree that the Latin cross universally represents the Christian religion, and only the Christian religion.

See, e.g., *Harris v. City of Zion*, 927 F.2d 1401, 1412 (7th Cir. 1991) (“a Latin cross . . . endorses or promotes a particular religious faith. It expresses an unambiguous choice in favor of Christianity.”), *cert. denied*, 505 U.S. 1218 (1992); *ACLU of Ill. v. City of St. Charles*, 794 F.2d 265, 271 (7th Cir. 1986) (“When prominently displayed . . . the cross dramatically conveys a message of governmental support for Christianity, whatever the intentions of those responsible for the display may be. Such a display is not only religious but sectarian.”), *cert. denied*, 479 U.S. 961 (1986).

These signs convey a message to non-Christians in Oconomowoc that they are not “favored members of the political community.” *Cnty. of Allegheny v. Am. Civil Liberties Union Greater Pittsburgh Ch.*, 492 U.S. 573, 595 (1989). These citizens should not be made to feel excluded, like outsiders in their own community, because their City prominently places Christian symbols and promotes Christian churches on City property. While many of your constituents may support these religious sentiments, a significant proportion will feel alienated. Overall, nearly 30% Americans are non-Christians, either practicing a minority religion or no religion at all, including about 44% of millennials.<sup>1</sup>

To avoid further Establishment Clause concerns, these signs must be removed from City property. Please inform us in writing of the steps taken to remedy this constitutional violation so that we may notify our complainant that this issue has been resolved. Thank you for your time and attention to this matter.

Sincerely,



Ryan D. Jayne, Esq.  
*Elaine & Eric Stone Legal Fellow*  
*Freedom From Religion Foundation*

Enclosure

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<sup>1</sup> *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).

