



## OFFICE OF THE CITY ADMINISTRATOR

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Lori S. Curtis Luther

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Friday, April 29, 2011

Dear Mayor,

Given the messages you have recently distributed to staff, I wish to clarify a few things.

The City of Waukesha is very fortunate to have a group of department directors with exceptional experience. They are innovative, collaborative, hard-working, and well-educated. They are also invested in continuous self and organizational improvement.

Without question, I support the Police Chief and understand his concerns. While he was the only department director who publicly voiced his opinion, several raised concerns but feared retaliation from you. Those fears were clearly warranted and justified given the name calling and other negative statements you made about the Police Chief in the media. Chief Jack privately discussed his concerns with you and yet, you chose to continue trying to promote the book reading and this issue became a public debate. While you claim to have an interest in building team work and rapport, your actions are contrary to the goal.

In regard to the legality, constitutionality, and ethics of this reading assignment, it is critical that you understand that the City has an obligation to uphold the Constitution, namely the establishment clause in the 1st Amendment that states that government may not discriminate between religion and religion or religion and non-religion and is prohibited from promoting *any* religious doctrine. Furthermore, there are potentially serious ethical concerns about doing favors for contributors that places you at risk. To protect this organization from potential litigation, I must encourage you to seek guidance from our legal team or myself in the future.

The United States Court of Appeals for the 7<sup>th</sup> Circuit, which includes Wisconsin, dealt with a fact situation that was similar to the issues at hand. In 2006, Milwaukee County Sheriff Clarke arranged to have law enforcement officers, who were also members of Elmbrook Church, give faith-based philosophy presentations at a number of mandatory employee meetings. The group was also permitted to distribute religiously based literature. Objections were raised but the meetings continued and a federal lawsuit was filed. The Court determined that this conduct coercively promoted religion and violated the establishment clause of the 1<sup>st</sup> Amendment of the United States Constitution, which prohibits government from promoting or affiliating itself with any religious doctrine or organization.

In regard to the upcoming budget, this shortfall is not a new phenomenon. This staff has faced budget shortfalls in the past and I have every confidence that we will present the Council with a variety of appropriate options for their consideration.

The staff and I have a great deal of work to do managing the day to day operations of the organization. It is extraordinarily difficult when we are consistently distracted by these kinds of conflicts. Please help us move forward by recognizing the expertise that we collectively have to offer and by treating us professionally.

Sincerely,

*Lori Curtis Luther*  
Lori Curtis Luther, City Administrator

