



# FREEDOM FROM RELIGION FOUNDATION

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April 21, 2009

COPY

Frank Busalacchi  
Secretary  
Wisconsin Department of Transportation  
PO Box 7910  
Madison WI 53707-7910

Re: Religious Literature at Public Rest Areas/Open Records Request

Dear Secretary Busalacchi:

I am writing on behalf of a Wisconsin resident and taxpayer, and other members of the Freedom From Religion Foundation (FFRF), who object to the display of religious materials and literature at publicly owned and operated rest stops along the Wisconsin highway system. FFRF is a national nonprofit organization with nearly 14,000 members including over 1,000 in Wisconsin. Our purpose is to protect the constitutional principle of separation of church and state.

Our complainant informed us that during a recent road trip in Wisconsin, she stopped at a rest area on the interstate near Portage. There, she was dismayed to find religious literature set out for travelers in the same area as other free publications, such as maps, tourist attraction leaflets and pamphlets, and similar materials of interest to travelers. In particular, the publication from Project Restore entitled, "The Law of Liberty," was included among the literature available. This piece discusses "God's Law" and religious liberty in America. It also depicts great American landmarks such as the Statue of Liberty, the Lincoln Memorial, Mt. Rushmore, and the Washington Monument. Our complainant informs us there was no disclaimer anywhere, posted near the literature or on the literature itself that disassociated the government from the religious messages contained in this particular publication. On the surface, this brochure appears to be a government publication. Please find enclosed a copy of Project Restore's publication for your review.

The First Amendment prohibits the government from advancing, promoting or endorsing religion. The facts, as they have been alleged here, appear to show government endorsement of religion. The availability of this patently Christian literature, without any disclaimer, at a publicly owned and operated rest area alongside an U.S. interstate highway impermissibly advances religion over non-religion, and Christianity over all other faiths.

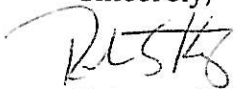
The availability of Christian literature alongside maps and other publications provided by the government, could lead a reasonable observer to conclude that the government is endorsing religion. To avoid further confusion, the Wisconsin Department of Transportation should remove any and all religious literature displayed and set out for taking in publicly owned and operated rest areas.

We respectfully request that you inform us of the following information:

- 1) What agency or office is responsible for maintaining rest stops?
- 2) Is there a Wisconsin Department of Transportation policy allowing third parties to place literature at rest stops? If such a policy exists, we request a copy of that policy under Wisconsin Open Records law.
- 3) Who is the official at Wisconsin Department of Transportation charged with approving or disapproving the types of literature provided at rest stops?
- 4) What, if any, costs are associated with maintaining the racks of brochures, maps and other publications?

Thank you in advance for your time and attention to this matter. We look forward to receiving your written reply.

Sincerely,



Rebecca S. Kratz  
Staff Attorney

Enclosure