GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
Assistant City Attorneys

August 4, 2006

Mr. Antonio Perez
Executive Director
Housing Authority of the City of Milwaukee
809 N. Broadway
Milwaukee, WI 53202

Re: Freedom From Religion Foundation letter

Dear Mr. Perez:

You forwarded for our response a letter, dated February 9, 2006, received from the Freedom From Religion Foundation (hereafter "the Foundation") concerning the conducting of religious services at your Arlington Court public housing development. The letter sought an investigation into the arrangements that brought the Heaven's Gate Ministry ("the Ministry") to Arlington Court for religious instruction and worship two days a week.

The Foundation's concern is that the Housing Authority of the City of Milwaukee ("HACM"), a public body, may be permitting an unconstitutional "endorsement" and "subsidizing" of religion by allowing the Ministry to provide religious services to HACM tenants in HACM buildings. Similar concerns are expressed in a March 30 letter to Mayor Barrett and a May 25 letter from the Foundation's legal counsel, the law firm of Lafollette Godrey & Kahn, to this office. Lafollette Attorney James A. Friedman phrased the Foundation's concerns in this way: "[T]hese arrangements clearly violate the Establishment Clause by using public resources to advance religion and, possibly, excessively entangle government and religion."

1. Facts and Background

a. The Process

In order to obtain accurate and reliable facts relative to the issues raised, this office conducted its own inquiry and interviewed members of the Arlington Court management office, Arlington Court Resident Organization ("ACRO") Executive Committee, HACM service providers, the Ministry and a concerned resident. Relevant facts include that the Ministry was contacted by Arlington Court residents serving as officers and committee members of the ACRO after a resident survey was completed by a majority of Arlington Court residents. Among the "Suggested Remedies to Some Problems" in the survey was: "H. Establish a non-denominational bible/church service group." According to the ACRO, 25% of survey respondents checked option "H" indicating their interest. That resident response was deemed sufficient to support the formation of an ACRO subcommittee to investigate available options.

According to the ACRO "Church Service Committee Report", dated January 24, 2006, ("the Report") four options were looked at and the Ministry and its Pastor Romingo McQuay were recommended. The Committee Report points out that Pastor McQuay takes no fee for either his services or those of his wife and two sons, all of whom play roles in "the worship team." A "freewill offering for supplies – such as Communion Service items" is taken. The report states that the pastor will be available to the residents for personal visitation and that during services he will "move among the congregation" and not "just stand behind a pulpit." In addition, it is reported that the Ministry will occasionally use the kitchen, outdoor grills and video equipment, available to other community room users. Any advertising of the services was to be done by the ACRO.

The Ministry proposed four hours of religious services per week, one and one-half hours on Thursday evening and two and one-half hours on Saturday afternoons. Although not expressly stated in the Report, we understand that the Ministry's services all take place in the Arlington Court community room (and associated "outside grilling area"). The Report notes: "Pastor McQuay has been conducting this nondenominational ministry at the Highland Gardens Housing Authority development for several years and so is experienced in our type of community." According to the January 24, 2006, ACRO meeting minutes, the subcommittee's recommendation was discussed and approved by unanimous vote.

b. The Space

The Arlington Court community room is a large, first floor, multi-purpose room off of the main lobby with several means of access, including an exterior door, and numerous chairs and tables. It has a maximum occupancy of 171 persons. HACM community rooms are subject to certain rules and policies. The HACM Resident Handbook states that questions regarding community rooms should be directed to housing managers. At

Arlington Court, the community room rules allow only residents to reserve the room "for their private and personal use."[1]

> "All reservations should be made at least one week in advance of the event. All reservations must be made on the Arlington Court reservations form and signed by the resident requesting permission and approved by the building manager or designee.
>
> The Housing Authority and the Resident Organization shall be given first priority for room use in cases of scheduling conflict."

It is evident that RO's are granted additional authority over community room usage and reservations. The HACM Resident Handbook provides that while community rooms may not be used after 12:00 midnight, "nothing shall preclude a resident organization adopting earlier closing hours." The Arlington Court management office informed us that while the schedule of community room users who reserve the room is kept on the office calendar, regular events that are held each week, month, or on established holidays would not need to be listed there.

As will be discussed below, certain of the facts given here address the question whether public funds are being expended to support the Ministry's activities. While no fee, stipend, or gratuity is being paid to the Ministry, free use of the community room has been extended by action of the ACRO, acting on behalf of the residents. At a minimum, a space furnished with light, heat, and furniture in a public housing development is being used to conduct religious services by the Ministry rather than for any number of other activities that might otherwise be made available to the residents.[2]

Finally, other community room users at Arlington Court include a Meal Program, Art Club, Movie Night, Pool League, Game Night, Crafts Club, and Knitting Club. Periodic uses include monthly commodity distributions, ACRO meetings, and a health clinic visit. Special events include holiday parties, anniversary and birthday parties, as well as ethnic and religious ceremonies held by a significant Russian population. We learned that several times a year a Jewish Rabbi is invited by the Russian residents to Arlington to take part in religious services or observations for that resident community.

---

[1] This concluding phrase is nowhere explained and is inconsistent with nearly all of the uses made of the room, which all involved group activities with and without invitees, service providers, and vendors.

[2] On this point, however, a March 11, 2006, letter from the ACRO Executive Committee to HACM Administrative Coordinator Ocie Cook, quotes the housing manager as confirming that the time reserved for the Ministry services did not displace any other reserved activity.

2. Resident Organizations

As we wrote to you in an Opinion of the City Attorney last year, your RO's are created pursuant to federal regulations found at 24 C.F.R. Part 964, where they are called "resident councils":

> The role of a resident council is to improve the quality of life and resident satisfaction and participate in self-help initiatives to enable residents to create a positive living environment for families living in public housing. Resident councils may actively participate through a working partnership with the HA to advise and assist in all aspects of public housing operations.

24 C.F.R. § 964.100.

The regulations further provide that public housing authorities with 250 or more public housing units "shall officially recognize a duly elected resident council as the sole representative of the residents it purports to represent, and support its tenant participation activities." *Id.* § 964.18(a).

3. Constitutional Provisions Applicable

As noted above, the crux of the Foundation's concerns are that public resources not be expended to advance religion. To withstand constitutional scrutiny, appropriations of public funds must be used for a public purpose. The Wisconsin legislature has declared that the activities of Wisconsin's housing authorities are public purposes for which public money may be spent. Wis. Stat. §66.1201(2). However, where those activities violate provisions of the state or federal constitutions, they will be stuck down by the courts.

The constitutional provisions at issue here are as follows:

> United States Constitution, First Amendment [made applicable to the States by the Fourteenth Amendment]:
>
> > Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ....
>
> Wisconsin Constitution, Article I, Section 18:
>
> > The right of every man to worship Almighty God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend, erect or support any place of worship, or to maintain any ministry, without consent; nor shall any control of, or interference with, the rights of conscience be

> permitted, or any preference be given by law to any religious establishments or modes of worship; nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries.

The Wisconsin Supreme Court has remarked that the language of Article I, Section 18, of the Wisconsin Constitution, while "more specific than the terser" clauses of the First Amendment, carries the same import: both provisions "are intended and operate to serve the same dual purpose of prohibiting the 'establishment' of religion and protecting the 'free exercise' of religion . . .." *State ex rel. Holt v. Thompson*, 66 Wis.2d 659, 676, 225 N.W.2d 678 (1975), quoting *State ex rel. Warren v. Nusbaum*, 55 Wis.2d 316, 332, 198 N.W.2d 650 (1972).

The Establishment Clause prohibits not only "the establishment of a state church or a state religion," but also prohibits laws which might be considered "a step that could lead to such establishment...." *Lemon v. Kurtzman*, 403 U.S. 602, 612 (1971). The Clause was intended to guard against government sponsorship of religion, provision by the government of financial support for religion, and active involvement of the government in religion. *Id.* In order to determine whether a particular law or governmental policy offends the Establishment Clause, the Supreme Court developed what is commonly referred to as the "*Lemon* test." Under that test, a law or policy will not offend the Establishment Clause if: (1) it has "a secular legislative purpose;" (2) "its principal or primary effect [is] one that neither advances nor inhibits religion;" and (3) it does "not foster an excessive government entanglement with religion." *Id.* at 612-13.

When conducting an inquiry into whether a law or governmental policy has impaired an individual's free exercise of religion, a court asks "whether government has placed a substantial burden on the observation of a central religious belief or practice and, if so, whether a compelling governmental interest justifies the burden." *Hernandez v. C.I.R.*, 490 U.S. 680, 699 (1989).

Finally, "religious worship and discussion...are forms of speech and association protected by the First Amendment." *Widmar v. Vincent*, 454 U.S. 263, 269 (1981). The Foundation's concerns arise from the tension created when religious worship is permitted in a place supported by public resources. The question to be answered in the public housing context is: Can a resident council that seeks to improve public housing resident's satisfaction and quality of life offer religious services in a community room without running afoul of the First Amendment's prohibition against the establishment of religion by the government?

4. Forum Analysis

When conducting First Amendment analysis on a specific set of facts, appellate courts first assess the type of forum, or place, at issue. The Supreme Court has defined several

kinds of government-owned property for First Amendment purposes: the traditional public forum, the designated public forum, and the nonpublic forum. *Perry Education Association v. Perry Local Educators' Association*, 460 U.S. 37, 45-46, 103 S.Ct. 948, 954-955, 74 L.Ed.2d 794 (1983). Traditional public fora generally include public streets and parks. Designated public fora are created when the government opens property to the public for expressive activity and are subject to the same standards as traditional public fora. In traditional or designated public fora, the state may "enforce regulations of the time, place, and manner of expression which are content-neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels for communication." *Id.* A nonpublic forum is "[p]ublic property which is not by tradition or designation a forum for public communication," and limits on access to such a forum must meet only a reasonableness standard. *Id.*

A developing subcategory of designated public forum is the limited public forum. A limited public forum is a designated public forum but only for certain groups of speakers or for the discussion of certain subjects. *Id.*; *Widmar v. Vincent*, 454 U.S. 263, 269, 102 S.Ct. 269, 274, 70 L.Ed.2d 440 (1981) (student groups have First Amendment right of equal access to university facilities); *City of Madison Joint School District v. Wisconsin Public Employment Relations Comm'n*, 429 U.S. 167, 175, 97 S.Ct. 421, 426, 50 L.Ed.2d 376 (1976) (teachers have right to speak on contract at school board meeting, which is a limited public forum for subjects relating to operation of district's public schools).

5. Arlington Court Community Room.

The federal courts have generally found public housing facilities to be either nonpublic or limited public fora. *de la O v. Housing Authority of the City of El Paso, Texas,* 417 f.3d 495, 503 (5th Cir. 2005) ("Public housing facilities such as those which HACEP operates have repeatedly been held to constitute non-public fora."); *Daniel v. City of Tampa, Florida*, 38 F.3d 546, 550 (11th Cir. 1994) ("We...have little difficulty concluding that the Housing Authority property is a nonpublic forum."); *accord, Lavean v. Randall*, 2005 WL 2405957 (W.D. Mich.)

While public housing property in general is considered a nonpublic forum, First Amendment analysis looks at the specific space – here, a community room – and its intended purpose. In *Crowder v. Housing Authority of the City of Atlanta*, 990 F.2d 586 (11th Cir. 1993), a public housing auditorium used for ceramics classes, bingo games, political speeches, and Sunday afternoon religious services was found to be a limited public forum and the development library to be a nonpublic forum. In *Daily v. New York City Housing Authority*, 221 F.Supp. 2d 390, 399 (S.D.N.Y. 2002), the community center at issue, the Woodside Community Center ("the WCC"), was found to be a nonpublic forum by default and a limited public forum "at times other than during the regularly scheduled educational activities . . .." That court concluded: "Therefore, . . ., the restrictions that were used to deny Daily access to the WCC must be examined to

determine whether they were viewpoint neutral and reasonable in light of the purpose served by the WCC."

Ascertaining a forum's purpose requires knowledge of its past uses and any rules imposed by its owner. The examination conducted in *Daily* must also be made of the use proposed for the Arlington Court community room to see if the Foundation has indeed identified any First Amendment violations. Any policy forbidding a specific use, however, must be viewpoint neutral and reasonable in light of the room's purpose.

The existing rules governing Arlington Court's community room, as noted earlier, are silent with respect to the views of its users. Rather, certain activities are prohibited (e.g. smoking, alcoholic beverages, most forms of gambling, and use of the Game Room) and certain actions are required (e.g. the room is to be cleaned and returned to its original condition; trash is to be bagged and eliminated; non-resident guests are to be escorted). But no category of uses, users, or forms of expression are excluded.

With respect to previous uses made of the community room, the current manager informed us that she views the community room as an extension of the resident's personal space, to be used by the residents for whatever activity they wish, so long as the activity is consistent with HACM rules and policies. A previous Arlington Court manager reported that Catholic masses were held for a period of time in the 1990's by a resident priest. Such services were eventually restricted to the resident's unit after it was learned that he was no longer an ordained priest with the Catholic archdiocese. During the same period, Jewish holidays were celebrated involving religious services, with the only concern being over the use of alcoholic beverages in violation of a room rule. As noted earlier, the community room continues to be used periodically for religious services and observances by the Russian Jewish community.

Moreover, while our investigation focused on the rules and uses that apply to Arlington Court's community room, we also discovered that religious services are being offered at at least two other public housing developments: in Spanish, at your Becher Court Development, which houses a significant Hispanic population; and non-denominational Christian services at Highland Gardens, where this same Ministry has been providing worship services and Bible study for a number of years.

6. Discussion

The most recent appellate decisions to conduct the forum analysis on similar fact patterns are the *Daily* and *Crowder* cases already noted, involving the New York City Housing Authority ("NYCHA") and the Atlanta Housing Authority ("AHA"). In *Daily*, a public housing resident was denied use of the Woodside Community Center ("WCC") to conduct Bible study / grief counseling sessions to comfort residents following the events of September 11, 2001. The WCC had been used for a variety of activities that fell generally into two categories: regularly scheduled educational or after-school uses, and

temporary uses. Unlike the elderly residents at Arlington Court, the development in *Daily* housed families with children and so many of the WCC uses were geared to after-school or summertime educational and recreational activities for kids. Regularly scheduled uses included evening programs for teenagers, to which adults were welcome, with classes in dance, computers, sewing and ceramics; and activities such as arts and crafts, weight-lifting, Girl Scouts, and study hall. The NYCHA rules on temporary uses allowed for family events and celebrations (weddings, birthdays, graduations, and anniversaries) but expressly prohibited any partisan activity and religious services, "unless the religious services are directly connected to the principal reason for a family – oriented event, such as weddings." *Daily, ibid*, 221 F.Supp. at 394.

The court in *Daily* concluded that the forum determinations in *Crowder* and in the case before it required application of the same standard whether the WCC was deemed a limited public forum or a nonpublic forum. Specifically, that any restrictions placed on First Amendment activities, like religious worship, must be reasonable in light of the community room's purpose, and viewpoint neutral. *Id.*, at 399.

The *Daily* decision went on to state:

> "In addition, the nature of a community center of a public housing complex when it is not being used for regularly scheduled educational activities is different from other identified types of limited public fora. These centers were built for the benefit of the residents, to provide a place where children, youth, *and adults* could be enriched by 'a variety of educational, recreational, social, and cultural activities and programs . . ..' For example, a community center can serve as a meeting place for residents of a housing development where they could discuss any subject.... It defies the broad purpose of these community centers to designate them as places in which the government may severely regulate the speech of the residents supposedly served by them." (Emphasis in original).

Daily, id. at 400.

In *Crowder*, a public housing tenant sued when he was denied permission to use the common areas in his development for group Bible study. The 11th Circuit Court of Appeals rejected the AHA's use restrictions, premised on potential security problems and the avoidance of scheduling conflict. The court found that a complete ban on Bible studies in the development auditorium would violate *Crowder's* First Amendment rights. Moreover, AHA's requirement that *Crowder* obtain majority approval for his proposed use from his co-tenants was also disapproved with the statement: "the right to free speech in a limited public forum may not be made contingent on majority approval." *Crowder, id.* at 592.

The regulation or policy being sought by the Foundation would bar use of the community room by the Ministry because of its religious viewpoint. Its letters refer to the Ministry as a "church" and focus primarily on its religious nature to make the argument that public resources cannot be used to support religion consistent with the First Amendment. The Ministry is unabashedly religious in its orientation, practices, beliefs, and printed materials. The business card embedded inside a folder of materials the Ministry offers residents states: "Jesus is Lord;" "Obey God, He'll Bless You Real Good;" and "Let every thing that has breath, praise ye the Lord." While the Ministry was recruited as a non-denominational ministry, its viewpoint is plainly religious and specifically Christian. The Foundation, and its counsel, are equally plain in their protestation that the Establishment Clause is violated by HACM allowing "public resources to advance *religion* and, possibly, excessively entangle government and religion." It is the religious nature of the Ministry and its services, therefore, that the Foundation objects to being regularly welcomed and accommodated at Arlington Court. It is evident that the restriction being sought by the Foundation would result in viewpoint discrimination: specifically, barring a religious viewpoint.

With respect to the purpose of HACM's community rooms, we have found that religious services conducted in community rooms are neither prohibited by rule nor anything particularly new to HACM's developments. In *Daily*, the court stated that by allowing some religious activity at WCC in the form of services associated with family events and celebrations, defendants cannot exclude Daily's proposed religion-based activity. Despite a NYCHA rule prohibiting most religious services ("unless the religious services are directly connected to the principal reason for a family-oriented event, such as weddings"), the *Daily* court concluded:

> "Even if Daily's proposed activities were religious services, the regulations do allow others to hold religious services at the WCC. Defendants (NYCHA) merely argue that the permitted services are a *de minimis* exception to the general rule. However, any exception to the rule, even a small one, opens the WCC up for other similar activity. Accordingly, defendants' decision to deny Daily's request to hold Bible study/grief counseling sessions at the WCC constitutes viewpoint discrimination."

Id., at 404.

The response sought by the Foundation, to prohibit housing residents from conducting religious services, appears to us to be the very viewpoint discrimination discussed in *Daily* and *Crowder* and prohibited by the Free Exercise, Free Speech, and Free Association Clauses of the First Amendment. Those Arlington residents who sought by way of a resident survey, ACRO subcommittee formation, and a public search, the recruitment and recommendation of a "Bible/Church Service Group" as one of 14 "Suggested Remedies to Some Problems" (at Arlington Court) might well be heard to

complain themselves of constitutional violations should HACM prohibit the only overtly religious "remedy" the residents elected, solely because of its religious viewpoint.

Also, the Foundation's claim that permitting the Ministry use of the community room constitutes "subsidizing" or "endorsement" of religion by HACM fails to consider three additional factors. One, it is not HACM that sought a faith-based "remedy to some problems" at Arlington Court, but the resident's themselves. Two, the ACRO executive committee has taken issue, in writing, with the Foundation's characterization of Arlington's residents as "disadvantaged and vulnerable elderly" being "preyed upon" by the Ministry. Rather, the committee characterizes the residents as "independent, rent paying, cognizant adults who have said repeatedly over months they wish to have these non-denominational services available to them at Arlington Court" (emphasis in original letter of March 11, 2006). Thirdly, the de minimis indirect financial aid benefiting the Ministry via free use of the community room is not being directed by any HACM action or policy, but by the determinations of the ACRO, made up of the very residents to be served. HACM's role, in our opinion, is as dictated by regulation, to "officially recognize (an RO) as the sole representative of the residents it purports to represent, and support its tenant participation activities." 24 C.F.R. § 964.18(a).

In a case involving somewhat analogous issues, *Freedom From Religion Foundation v. McCallum*, 214 F.Supp.2d 905, 917 (W.D. Wis., 2002), a faith-based alcohol and drug treatment services program, named Faith Works, Milwaukee, Inc., was being offered to state probationers and parolees. The Foundation contended that the state's funding of Faith Works constituted government endorsement of religion.

In its discussion of the three factors just mentioned, the federal district court found, as to the first factor, that recent establishment clause cases have held that "private individuals can nullify any appearance of government endorsement through true private choice programs under which government aid reaches the religious program only as a result of the genuine and independent choices of private individuals'." *Id.*, citing *Zellman v. Simmons-Harris*, 536 U.S. 639, 122 S.Ct. 2460, 2465, 153 L.Ed.2d 604 (2002). Such a program insures that no 'imprimatur of state approval' can be deemed to have been conferred on any particular religion, or on religion generally. *Id., Zelman*, 122 S.Ct. at 2466.

As to the second factor, the court found that offenders referred to faith works were adults, "not school-age children that may be thought susceptible to indoctrination" (and see *Widmar, ibid.*, 102 S.Ct. at 276). Thirdly, notwithstanding the far greater cost to state government of Faith Works than the small indirect cost at issue here, and the fact that the Wisconsin Department of Correction's agents recommended Faith Works to their probationers and parolees, the court concluded that the fact the offenders choose whether to participate overrides any element of coercion suggested as being an unconstitutional endorsement of religion and subsidizing of a faith-based program by the government. The decision states:

> " . . . when public funding flows to faith-based organizations solely as a result of the "genuinely independent and private choices of individuals," the funding is considered indirect.
>
> When a program receives indirect funding, it is the individual participant, and not the state, who chooses to support the religious organization, reducing the likelihood that the public funding has the primary effect of advancing religion in violation of the establishment clause. Stated otherwise, when the individual chooses the religious program, the 'circuit' between government and religion is broken and the establishment clause is not implicated." (Citations omitted).

In our view, the voluntary selection of free religious services by public housing residents, as a means of solving problems in their community, in the space set aside "for the benefit of the residents," does not approach the level of potential endorsement that might call the Establishment Clause into this equation.

7. Summary

This opinion has made several specific findings of fact and makes assertions based on those facts. We have found that the Ministry was invited to bring its brand of Bible study and worship to Arlington Court by the residents of Arlington Court, not by HACM or any of its employees. We found that a significant amount of discretion is vested in the resident council to determine community room uses, restrictions, and hours of operation. At Arlington Court, at least, the development manager is comfortable permitting the residents to make their own decisions concerning the community room, imposing only general rules against smoking, alcohol, and gambling, and restoring the room to its original condition after use. We found that religious services have been offered occasionally at Arlington, and regularly at other developments. Relevant caselaw holds that the community room here is a limited public forum and that any restrictions imposed on its use must be viewpoint neutral and reasonable in light of the room's purpose. We've concluded that, under these facts, and under the law, barring the Arlington Court residents from allowing Heaven's Gate Ministry to provide religious services in their community room would likely be deemed by a court neither viewpoint neutral nor reasonable.

Our conclusion should not be construed as prohibiting HACM from imposing rules to govern community room use or as foreclosing the possibility of retracting such permission in the future if it is determined that the Ministry's services create hazards, hardships, or disturbances at Arlington Court that substantially interfere with the other resident's quiet enjoyment of their homes. As we noted earlier, you may restrict access to limited public fora by content-neutral conditions for the time, place, and manner of access, so long as they are narrowly tailored to serve a significant government interest.

Crowder, 990 F.2d at 590, citing *Perry*, 460 U.S. at 45-46. Also, as *Crowder* pointed out, a resident organization's authority to control community room uses cannot limit the room to only those users capturing a majority vote. When a community room has been opened up to expressive activities, a policy of "equal access" will need to be observed, notwithstanding even a majority of resident's dislike for or disapproval of the content of that room user's speech or expression.

If we can be of any further assistance responding to these or other matters, please call on us.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JOHN J. HEINEN
Assistant City Attorney

JJH:mll/106977

c: Ms. Katie Topinka, Office of Senator Herb Kohl
Ms. Sheila Ashley, HUD Office of Faith-Based Initiatives
Mr. Jerome Beitz, HUD Chief Counsel, 5IC
Mr. John Finger, HUD Program Director, 5IPH
Mr. James A. Friedman, Esq.
Honorable Thomas Barrett, Mayor
Ms. Arlene Washington, Arlington Court Resident Organization President
Mr. Vince Moschella
Ms. Margaret Ollis

1031-2006-496: 106977