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Mayor Harry Klein and City Clerk Pat Roach
City of Burbank
6530 West 79th Street
Burbank, IL 60459

Dear Mayor Klein and Miss Roach,

Thank you for the hospitality during my visit to your City Council meeting and during our telephone calls.

Last week, Nichole Schultz, of (address deleted from internet copy), telephone (number deleted from internet copy), contacted me by telephone and asked that I assist her in resolving a concern that she has regarding her current vehicle sticker. She made it clear that her concern is limited to the sticker and that the components of the display at 85th & State Road is not a concern to her.

Nichole's concern regarding the sticker is legitimate. While I fully understand that the City's purpose for the design of the sticker is the honoring of our veterans, the effect of the design truly does violate Nichole's constitutional rights in that it has the effect of the City coercing Nichole, over her objection, to display a Christian cross from her automobile. This scenario has actually been fully litigated in the Seventh Circuit in 1991 in two cases that I helped to bring to federal court, Harris v. City of Zion and Kuhn v. City of Rolling Meadows. These cases were combined at appeal and the cite that I have is 927 F. 2d 1401 (CA7 1991), so I'm sure with that information your lawyers can track down the opinion. The motivating issue for which these cases were brought was that Clint Harris and Ted Kuhn were each being compelled by their cities to display a Christian cross from the windshield of their automobiles via the vehicle stickers, so the primary issue that was ruled to be unconstitutional is exactly the same as we have here.

Nichole's only request is that she not be compelled to display the Christian cross from her car for the remainder of the fiscal year, the same rights or protections that Harris and Kuhn were granted by the Seventh Circuit. Surely we can discreetly come up with a solution for Nichole that meets her needs while not causing any expense at all to the City. Nichole is not asking the City to

recall the rest of the current stickers or even to change in any way the display at 85th and State Road.

Nichole's request is no different from when my daughter's class in public school does the Pledge of Allegiance. All of the other kids do the Pledge. The words of the Pledge aren't changed one iota. However, the public school permits my daughter, for whatever reason or motivation my daughter may have, to decline to say the "God" part if she so chooses and then the school day goes on uninterrupted.

I ask, in Nichole's behalf, that the City, whether formally or informally, find a reasonable alternative for Nichole for the remainder of the fiscal year. It's only one car and for only one year. Some kind of alternative method could be derived for Nichole to demonstrate from her automobile that she has paid her municipal vehicle tax, and do so in a manner that will allow the City to save face. Surely you could notify the Police Department that for her one car, of a particular year and model and with a particular license plate, that Nichole has paid her vehicle tax for the year so it should not be ticketed for any alleged failure to do so, and the matter could be resolved quietly, with dignity and without litigation.

Litigation surely would needlessly cause a great deal of hard feelings and division amongst your residents. Let's resolve this matter together and get it over with without litigation and without the negative effects that a battle over a religious issue would cause.

Litigation would also needlessly generate huge litigation costs for the City. It is inconceivable, based on the clear precedents from the Zion and Rolling Meadows cases, that the federal courts would not grant immediate injunctive relief to Nichole, with eventual costs to the City of perhaps fifty or one hundred thousand dollars or more. There's no need for that. Let's settle this matter quietly between us.

The federal courts easily recognize that, from time to time, Christian public officials try to come up with a gimmick to force citizens to display a Christian cross from their private property, and that the municipal vehicle tax sticker is a convenient trick for carrying out that goal while pretending to merely have a noble secular goal in mind. The court won't buy your excuse that you are merely trying to honor veterans. This trick has been tried before, it has failed before and it will fail again. The only real question is whether the City wants to lose tens of thousands of dollars in a futile, very expensive and losing effort to try and pull it off.

I look forward to a reply within thirty days, and I look forward to my next visit to the "Jewel of the Southwest Suburbs" so that I can spend some sales tax dollars there on a shopping spree.

Best regards,

Robert I. Sherman