



December 16, 2021

VIA OVERNIGHT DELIVERY SERVICE

The Honorable Christine E. Wormuth
Secretary of the Army
101 Army Pentagon
Washington, DC 20310-0101

RE: Why Wreaths Across America's Placement of Wreaths to Honor Deceased
Veterans Constitutes Lawful Expression

Dear Madam Secretary:

By way of introduction, the American Center for Law and Justice (ACLJ) is a non-profit organization dedicated to defending constitutional liberties secured by law. ACLJ attorneys have successfully argued numerous free speech and religious freedom cases before the Supreme Court of the United States.¹

We are writing to you because, about this time every year, groups like the Military Religious Freedom Foundation ("MRFF"), the Freedom From Religion Foundation, Americans United for Separation of Church and State, and similar organizations begin to lodge complaints alleging violations of the Establishment Clause to the First Amendment because of religious displays erected and religious expression made on public property, such as at Arlington National Cemetery.

This year, the major issue for the MRFF involves Wreaths Across America, a private effort by patriotic citizens to honor deceased service members by decorating their graves with wreaths as a sign of gratefulness for their service to defend our Nation, our freedom, and our way of life. Mr. Michael L. "Mikey" Weinstein, the Founder and President of the MRFF, has a sharply

¹See, e.g., *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009) (unanimously holding that the Free Speech Clause does not require the government to accept other monuments merely because it has a Ten Commandments monument on its property); *McConnell v. FEC*, 540 U.S. 93 (2003) (unanimously holding that minors enjoy the protection of the First Amendment); *Lamb's Chapel v. Ctr. Moriches Sch. Dist.*, 508 U.S. 384 (1993) (unanimously holding that denying a church access to public school premises to show a film series on parenting violated the First Amendment); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (holding by an 8-1 vote that allowing a student Bible club to meet on a public school's campus did not violate the Establishment Clause); *Bd. of Airport Comm'rs v. Jews for Jesus*, 482 U.S. 569 (1987) (unanimously striking down a public airport's ban on First Amendment activities).



different view. He claims that laying wreaths at the gravesites of deceased veterans is “like carpet-bombing” them with “Christian gang sign[s].”² As we will see, this criticism is especially misplaced in light of the fact that the Wreaths Across America organization disclaims any religious or political motivation whatsoever for its activities. Moreover, despite Mr. Weinstein’s assertion to the contrary, wreaths are not inherently religious symbols. Both religious and non-religious people lay wreaths on gravesites. Mr. Weinstein has conjured up a crisis that does not exist in reality. He was looking to be offended but has targeted the wrong organization and the wrong project.

Although Mr. Weinstein may certainly believe and say what he desires, a closer look at what the Wreaths Across America organization stands for and seeks to accomplish will demonstrate that Mr. Weinstein’s claims are wholly specious. He imputes to the organization a motive that it simply does not profess. According to the Wreaths Across America website, the organization’s *raison d’être* is encapsulated in the following three principles:

- Remember our fallen U.S. Veterans.
- Honor those who serve.
- Teach your children the value of freedom.³

None of those principles is in the least bit controversial, and none is remotely religious, much less specifically Christian.

With respect to the portion of its activities involving wreath-laying, the organization proposes that, “[w]hen a volunteer places a wreath on a veteran’s grave on National Wreaths Across America Day, we encourage them to speak that veteran’s name aloud, thank them for their service and sacrifice, and reflect on that person and their life.”⁴ That’s done for *all* veterans. No veteran is singled out for preferential or disparate treatment. All are shown the honor their service has earned them.

In addition to laying wreaths on gravesites,

Wreaths Across America conducts several [other] programs to honor our veterans, including our popular “Thanks-A-Million” campaign, which distributes FREE thank-you cards to people all over the country to share with veterans as a simple thank-you for their service.

The group participates in veterans’ events throughout the year and has a veteran liaison on staff to work with local veterans’ organizations, as well

²Matt Wall, *Wreaths Across America ‘Carpet-Bombing’ Veteran Cemeteries with ‘Christian Gang Sign,’ Nonprofit Says*, FOX NEWS (Dec. 15, 2021), <https://www.foxnews.com/us/wreaths-across-america-carpet-bombing-veteran-cemeteries-christian-gang>.

³*Remember. Honor. Teach.*, WREATHS ACROSS AMERICA, <https://www.wreathscrossamerica.org/remember-honor-teach/#remember> (last visited Dec. 16, 2021).

⁴*Id.*

as public outreach through Veterans Day and Memorial Day programs, public service announcements, press coverage and the WAA website.⁵

Nowhere on the Wreaths Across America website is there any indication that the desire of the organization or its sponsors is to promote *Christianity* (or any other faith) at the expense of any other religion or no religion, as implied by Mr. Weinstein. In fact, Karen Worcester, Executive Director of Wreaths Across America, explicitly noted that “her organization isn’t Christian or political.”⁶

Instead, the purpose of laying the wreaths is to honor each veteran for his or her service, to remind ourselves of the many sacrifices made by veterans to protect our freedom and way of life, and to teach our children and grandchildren that freedom isn’t free. Each veteran, irrespective of his or her background, race, ethnicity, faith (or lack thereof), receives the same level of honor, appreciation, and thanks.

Further, those who lie at rest at Arlington National Cemetery come from every state and territory of the United States. Accordingly, many of the deceased veterans’ family members can only infrequently visit the graves of their loved ones. That strangers freely give of their time and money to reach out to honor veterans interred far from where their loved ones live, *rather than being something sinister as Mr. Weinstein contends*, actually represents the best traditions of the American people.

What Mr. Weinstein condemns as an improper exercise of the Christian faith has been refuted by the very organization itself, which denies both a religious or political motivation for its activities. Mr. Weinstein has gotten it wrong. His anti-Christian bigotry has blinded him to the love, respect, and appreciation being expressed towards America’s veterans—*all of them*. There is no need for anyone else to follow his error and denigrate the wonderful demonstration of love and respect for our veterans by trying to halt the laying of wreaths at the gravesites of our Nation’s heroes. That Mr. Weinstein misconstrues the motivation and purposes of Wreaths Across America should not limit the volunteers who actually understand and appreciate what they are doing and why.

Mr. Weinstein claims that placing wreaths on veterans’ gravesites constitutes a reprehensible violation of the Establishment Clause. That is absolute nonsense. We keep wondering who appointed him as arbiter of what’s permissible and impermissible at Arlington; in our view, he lacks standing to bring such a claim. Even worse, he compounds his error by claiming Wreaths Across America has a religious purpose for its activities, which the Wreaths Across America organization denies, and its actions refute.

Arlington National Cemetery personnel should give Mr. Weinstein’s erroneous, bigoted complaint no further consideration. Instead, they should once again allow patriotic citizens the privilege and opportunity of honoring our deceased veterans by placing wreaths at their

⁵*Id.*

⁶Wall, *supra* note 2.

gravesites. Moreover, public and private activities honoring our veterans should be encouraged, not criticized.

Should you or any of your personnel desire ACLJ assistance in dealing with this matter, we stand ready to assist you.

Respectfully yours,

Handwritten signature of Jay Alan Sekulow in cursive script.

Jay Alan Sekulow
Chief Counsel

Handwritten signature of Robert W. Ash in cursive script.

Robert W. Ash
Senior Counsel