



May 6, 2013

**VIA FACSIMILE ([REDACTED]) &
OVERNIGHT DELIVERY SERVICE**

The Honorable Chuck Hagel
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

RE: Pentagon's Seeking Advice From Mr. Mikey Weinstein & MRFF

Dear Mr. 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. *See, e.g., Pleasant Grove City v. Sumnum*, 129 S. Ct. 1125 (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. Center 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).

INTRODUCTION & PURPOSE

It has been reported in the press that Mr. Michael L. "Mikey" Weinstein has been invited to advise officials in the Pentagon on issues relating to free exercise of religion in uniform. Although Mr. Weinstein and his organization, the Military Religious Freedom Foundation (MRFF), have every right to hold and advocate the positions they do, Pentagon officials must be on notice that Mr. Weinstein's views do not comport with Supreme Court opinions on permissible religious expression. Such officials must also remember that free exercise of

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religion means what it says—*free* exercise. Free exercise may not be legitimately limited to what some civilian attorney (like Mr. Weinstein) or advocacy group (like MRFF) may think it should mean—*or is willing to tolerate*. As shown below, Mr. Weinstein uses “diatribe,” “embellishment,” and “harangue” as tools to express his views on religious matters, and he continually accuses those with whom he disagrees of serious violations of the Constitution and laws of the United States. While he claims to be in pursuit of religious tolerance, he readily defames those who disagree with him and accuses them of all manner of evil activities. In truth, Mr. Weinstein’s disagreement is with the beliefs held by those he targets, beliefs that he frequently misunderstands and misstates and beliefs he periodically mocks.

We are writing this letter to introduce you to Mr. Weinstein’s views (as he expresses them himself) as well as his methods for seeking DOD compliance with those views. We are also writing to put you on notice that Mr. Weinstein’s advice and counsel do not accord with the Supreme Court’s interpretation of the First Amendment. *As such, Pentagon officials at every level should forthwith eschew his advice.*

MR. WEINSTEIN’S ANTI-CHRISTIAN BIAS

Mr. Weinstein is a self-described opponent of so-called “Dominionist Christians” in the military. He has repeatedly claimed that he is fighting “a small subset of evangelical Christianity . . . premillennial, dispensational, reconstructionist, dominionist, evangelical fundamentalist Christianity”¹ Moreover, how Mr. Weinstein describes his organization, the Military Religious Freedom Foundation (MRFF), also says much about his beliefs and how he approaches those with whom he disagrees. He describes the MRFF as follows: “We are a weapon. We’re a militant organization. Our job is to kick ass, take names, lay down a withering field of fire, and leave sucking chest wounds on this unconstitutional heart of darkness, if you will, this imperious fascistic contagion of unconstitutional triumphalism.”² Mr. Weinstein has demonstrated open and continuing hostility to Evangelical Christians and their message and admits that he is willing to do whatever it takes to achieve his ends: “*I don’t want to be on the losing side knowing that I didn’t use every last diatribe and embellishment and wild-eyed, hair-on-fire, foaming-at-the-mouth harangue to get my point across*”³

¹Bill Sherman, *Author to Speak Monday on Religious Freedom in the Military*, TULSA WORLD (Oct. 13, 2007), http://www.tulsaworld.com/article.aspx/Author_to_speak_Monday_on_religious_freedom_in_the/071013_1_al4_spanc43382. Although Mr. Weinstein has frequently said that his attacks are aimed solely at a very small slice of Evangelical Christianity (as described in the foregoing text), that claim is belied by a presentation he gave at the United States Air Force Academy in April 2008 where he attempted to show a portion of a virulently anti-Catholic movie entitled *The Sword of Constantine*. Luchina Fisher, ‘Constantine’s Sword’ Cuts into Anti-Semitism, ABC NEWS (Apr. 20, 2008), <http://abcnews.go.com/Entertainment/story?id=4684837&page=1#.T0QKSlcgdcl>. By seeking to attack the Catholic Church as well, Mr. Weinstein demonstrated a broad-based hostility to Christianity in general, which no U.S. Government official should condone.

²Brian Kesge, *An Interview with Mikey Weinstein*, JEWS IN GREEN (Aug. 24, 2007), <http://www.jewsgreen.com/2007/08/an-interview-with-mikey-weinstein/>.

³MICHAEL WEINSTEIN & DAVIN SEAY, WITH GOD ON OUR SIDE 129 (2006) (emphasis added).

Mr. Weinstein and the MRFF routinely accuse others of making offensive and bigoted comments as well as pursuing illegitimate goals. Without citing a single example of any military leader in any U.S. Service who has espoused the view that the U.S. military should be controlled by any (much less by a particular) religious group, he nonetheless compares Christian believers with whom he disagrees to al-Qaeda and the Taliban: “We’re fighting al-Qaeda, we’re fighting the Taliban, and we’re turning our own military into that exact same thing.”⁴ Mr. Weinstein continues: “[W]e’ve lost the Marine Corps, we’ve lost the Army, we’ve lost the Navy and the Air Force.”⁵ Assuming Mr. Weinstein’s claims to be even remotely true, one wonders where all the forced conversions are that such a view requires.

Mr. Weinstein also accuses the U.S. military of favoring “Dominionist Christians” who, he claims, are guilty of “homophobia,” “misogynism,” “anti-Semitism,” and “the great desire to subordinate the United States Constitution . . . to their particular worldview of the Gospel of Jesus Christ.”⁶ Mr. Weinstein claims that “Dominionist Christians” take the fabric of American tolerance and “they rape it, they bludgeon it, they torture it, and they assault it so that out of their mouths what comes is intolerance for those of us in the majority.”⁷

Among other things, Mr. Weinstein has accused the U.S. military of the unconstitutional religious rape of U.S. military personnel.⁸ He has asserted that there is “pernicious, perseverant, pervasive, persecution of non-Christians” in the U.S. armed forces. He has referred to the Pentagon as the “Pentecostalgon,”⁹ an apparent reference to what he believes to be improper religious influence there.

Despite repeated pious declarations that he is fighting for religious tolerance, Mr. Weinstein is in reality a serial purveyor of religious intolerance who propagates in his book the despicable libel that Evangelical and Fundamentalist Christians “would willingly, even eagerly, condemn, ostracize and *even put to death* their fellow citizens for praying to the wrong god.”¹⁰ He even asserts: “I know that they will stop at literally nothing to achieve their ends.

⁴MIL. RELIGIOUS FREEDOM FOUND., http://www.militaryreligiousfreedom.org/Media_video/festival-of-books/index.html (last visited May 3, 2013).

⁵Mikey Weinstein, President of the Military Religious Freedom Foundation, “Champion of the First Amendment” Award Acceptance Speech at the 29th Annual Convention of the Freedom from Religion Foundation (Oct. 7, 2006) (transcript *available at* <http://www.ffrf.org/publications/freethought-today/articles/The-Christianization-of-the-Military/>).

⁶MIL. RELIGIOUS FREEDOM FOUND., <http://www.militaryreligiousfreedom.org/video/leo-baeck.html> (last visited Apr. 17, 2007) (since removed from the MRFF website); *see also* Interview by Dave Belden with Mikey Weinstein, President of Military Religious Freedom Foundation (posted Aug. 3, 2007) (transcript *available at* http://www.militaryreligiousfreedom.org/press-releases/evangelical_coup.html).

⁷MIL. RELIGIOUS FREEDOM FOUND., <http://www.militaryreligiousfreedom.org/video/leo-baeck.html> (last visited Apr. 17, 2007) (since removed from the web); *see also* Interview by Nathan Diebenow with Mikey Weinstein, President of Military Religious Freedom Foundation (Apr. 10, 2007) (transcript *available at* <http://iconocla.w02.winhost.com/AbsoluteNM/anmviewer.asp?a=1309>).

⁸*See, e.g.*, Todd Starnes, *Religious Groups Fear Christian Purge From Military*, THE CHRISTIAN POST (May 1, 2013), <http://www.christianpost.com/news/religious-groups-fear-christian-purge-from-military-95057/>.

⁹*See, e.g.*, MICHAEL WEINSTEIN & DAVIN SEAY, NO SNOWFLAKE IN AN AVALANCHE 15 (2012) [hereinafter NO SNOWFLAKE].

¹⁰*Id.* at 119 (emphasis added).

That includes mass murder.”¹¹ Mr. Weinstein claims that “fundamentalist dominionist Christians are willing to kill to achieve their twisted agenda.”¹² Such assertions are not only outrageous—they are delusional.

Moreover, despite admitting that he has “doubts over the actual existence of God and an even more abiding skepticism about the claims of organized religion,”¹³ Mr. Weinstein nonetheless expects all of us simply to believe that *he* can speak *with authority* about what a certain group of *Christians* believes. For example, *without citing any authoritative source whatsoever in support of his claim*, Mr. Weinstein claims that “Christian fundamentalist dominionists . . . believe that the Bible instructs them *to eradicate all nonbelievers* as a prerequisite for the Second Coming of Christ.”¹⁴ Elsewhere, once again without citing any authority to support his statement, he claims that “hardcore fundamentalist Christian elements within every branch of the military [are] intent on creating nothing less than an army of zombie zealots prepared to fight and die *to usher in* the dispensational reign of Jesus Christ on earth.”¹⁵ Mr. Weinstein’s theological ignorance in this area is mind-boggling. Such outrageous and false assertions, bordering on paranoia, are commonplace in Mr. Weinstein’s writings and speeches.

Yet, there is more. Mr. Weinstein frequently singles out those whose views he dislikes and demands that such persons be “disinvited” from activities sponsored by the military. For example, in April 2010, Mr. Weinstein demanded that Reverend Franklin Graham be disinvited from being the keynote speaker at the Pentagon National Day of Prayer prayer breakfast. Reverend Graham, son of Evangelist Billy Graham, is a well-known Evangelical religious figure whose ministry, Samaritan’s Purse, provides aid to needy persons around the globe, *irrespective of their religious faith*.¹⁶ Mr. Weinstein accused Reverend Graham of being “an Islamophobe, an anti-Muslim bigot, and an international representative of the scourge of fundamentalist Christian supremacy and exceptionalism,”¹⁷ despite being fully aware of the following quote by Reverend Graham which Mr. Weinstein included in his own book: “[T]here are millions of wonderful Muslim people. And I love them. I have friends that are Muslims and I work in those countries. But I don’t agree with the teachings of Islam and I find it to be a very violent religion.”¹⁸ Claims about the bigotry *of others* are commonplace with Mr. Weinstein and the MRFF. So much for religious tolerance.

¹¹*Id.* at 178 (emphasis added).

¹²*Id.* at 179.

¹³*Id.* at 31.

¹⁴*Id.* at 197 (emphasis added).

¹⁵*Id.* at 12 (emphasis added).

¹⁶See *About Us*, SAMARITAN’S PURSE, <http://www.samaritanspurse.org/our-ministry/about-us/> (last visited May 3, 2013).

The story of the Good Samaritan . . . gives a clear picture of God’s desire for us to help those in desperate need wherever we find them. After describing how the Samaritan rescued a hurting man whom others had passed by, Jesus told His hearers, “Go and do likewise.” For over 40 years, Samaritan’s Purse has done our utmost to follow Christ’s command by going to the aid of the world’s poor, sick, and suffering.

Id.

¹⁷NO SNOWFLAKE, *supra* note 9, at 169 (internal citation omitted).

¹⁸*Id.* at 165.

MR. WEINSTEIN'S TREATMENT OF JEWS WITH WHOM HE DISAGREES

Mr. Weinstein's rhetorical attacks, though predominantly aimed at Christians, are not limited solely to Christians. He has readily attacked Jews with whom he disagrees as well. For example, Mr. Weinstein attacked the Jewish War Veterans (JWV) and the Anti-Defamation League (ADL) as follows when they did not react as *he* thought they should have reacted regarding a physical assault on a Jewish recruit at Fort Benning, Georgia: "The JWV has no spine. . . . They haven't reached out at all, they seem to have absolutely no balls whatsoever. Somehow I think they and the ADL, Abe Foxman, have confused circumcision with castration. . . ." ¹⁹ Similarly, in reaction to the advice given by a civilian Jewish rabbi to a Jewish chaplain at Hunter Army Airfield with which he disagreed, Mr. Weinstein opined as follows concerning the rabbi who gave the advice: "Here's my response to Rabbi Lapp. First of all, that isn't his name. I'm changing his name officially to Rabbi Lapp-dog. He's a disgrace as an American citizen. He's a disgrace as a Jew. If I saw him, I'd spit in his face. The only thing I know that he can do is reflect light, circulate blood and breathe. . . . What he did with Rabbi Goldman, as far as I'm concerned, makes him like a *kapo* in Auschwitz." ²⁰ Such language and vitriol are the norm in Mr. Weinstein's frequent tirades.

Mr. Weinstein also wrote an editorial that mocked retiring Air Force Chief of Staff, General Norton A. Schwartz, the first Jewish officer to serve as Air Force Chief of Staff, because General Schwartz failed to accomplish during his tenure in that office everything that Mr. Weinstein had demanded. ²¹ Referring to him derisively as "Norty," Mr. Weinstein accused General Schwartz of "unconscionable malfeasance and misfeasance" in office. He also accused General Schwartz of "pitiful acts of betrayal." ²² He characterized General Schwartz's accomplishments as Air Force Chief of Staff as a "gutless legacy." ²³ Mr. Weinstein continued in like vein throughout his editorial. Near the end, he concluded by saying: "Norty, you're not just a liar. You're a damned liar." ²⁴

Recently, Mr. Weinstein mounted another attack on the Air Force Academy for listing a website, www.JewFAQ.org, as a place to go to answer questions about Jewish holidays and the Jewish faith. ²⁵ Mr. Weinstein took issue, *inter alia*, with the fact that the website expressed religious views of the Orthodox branch of Judaism and that the website cited to

¹⁹Interview with Mikey Weinstein, President of Military Religious Freedom Foundation (Aug. 24, 2007) (transcript available at http://www.militaryreligiousfreedom.org/press-releases/jewsingreen_haleyized.html).

²⁰*Id.* Calling a Jew a "kapo" is the ultimate insult. "Kapos" were Jews who assisted the Nazis in controlling fellow Jewish inmates in concentration camps. See *Kapos*, JEWISH VIRTUAL LIBR., <http://www.jewishvirtuallibrary.org/jsource/Holocaust/kapos.html> (last visited May 3, 2013).

²¹Mikey Weinstein, *Good Riddance to the Air Force's Religious Intolerance Enabler in Chief*, TRUTHOUT (Aug. 1, 2012), <http://truth-out.org/opinion/item/10636-good-riddance-to-the-air-forces-religious-intolerance-enabler-in-chief>.

²²*Id.*

²³*Id.*

²⁴*Id.*

²⁵See, e.g., Letter from Mr. Weinstein to General Mark A. Welsh III, CSAF, dated Feb. 13, 2013, available at http://www.militaryreligiousfreedom.org/press-releases/2013/CSIndy_2-21-13.html

verses from the Old Testament which condemned homosexuality, verses with which Mr. Weinstein disagreed. Once again, Mr. Weinstein was in disagreement with the religious *beliefs* expressed. It was on the basis of the religious *beliefs* expressed that he attacked the institution, demanded that the site be removed, and called for the punishment of those who allowed it to be posted. In effect, Mr. Weinstein wants only those religious beliefs expressed with which he agrees and, even then, only if done in a way that he approves of. That is not free exercise of religion, and Pentagon officials cannot accommodate such views without violating the First Amendment rights of countless thousands of Service Members.

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As one can see from the foregoing, Mr. Weinstein is rightly known for making bombastic, over-the-top statements about those—*Christians and non-Christians alike*—who disagree with his views and his personal ideas on what constitutes acceptable speech and conduct under the Constitution and laws of the United States. In effect, Mr. Weinstein is demanding that the Pentagon adopt his position on what theological beliefs, expression, and conduct are acceptable.

In light of the foregoing, Mr. Weinstein is among the world’s worst candidates to advise Pentagon officials on religious matters. What follows are the religious principles that bind all Americans, including those in uniform and their civilian leaders.

GENERAL PRINCIPLES CONCERNING RELIGIOUS FREEDOM

The First Amendment to the U.S. Constitution reads, in pertinent part: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof” U.S. CONST. amend. I. In 1892, the Supreme Court stated that “this is a religious nation.” *Holy Trinity v. United States*, 143 U.S. 457, 470 (1892). More recently, Supreme Court Justice Douglas, writing in *Zorach v. Clauson*, clearly and succinctly summarized the place religion holds in our history and the role the government plays in protecting religious expression and freedom:

We are a religious people whose institutions presuppose a Supreme Being. We guarantee the freedom to worship as one chooses. We make room for as wide a variety of beliefs and creeds as the spiritual needs of man deem necessary. We sponsor an attitude on the part of government that shows no partiality to any one group and that *lets each flourish according to the zeal of its adherents and the appeal of its dogma.*

343 U.S. 306, 313-14 (1952) (emphasis added).

Thus, “[i]n the relationship between man and religion, the State is firmly committed to a position of neutrality.” *School District v. Schempp*, 374 U.S. 203, 226 (1963). The Court has consistently noted the importance the role of neutrality plays, emphasizing that neutrality prohibits hostile treatment of religion. In *Board of Education v. Mergens*, Justice O’Connor

aptly noted that “[t]he Establishment Clause does not license government to treat religion and those who teach or practice it, simply by virtue of their status as such, as subversive of American ideals and therefore *subject to unique disabilities*.” 496 U.S. 226, 248 (1990) (emphasis added). Justice Brennan, in his concurrence in *Schempp*, also recognized that the Religion Clauses required the government to be neutral, not hostile, towards religion: “The State must be steadfastly neutral in all matters of faith, and neither favor *nor inhibit* religion.” *Schempp*, 374 U.S. at 299 (emphasis added).

Further, the Supreme Court has noted a clear distinction in the context of religious expression between government speech and private speech: “[T]here is a crucial difference between government speech endorsing religion, which the Establishment Clause *forbids*, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses *protect*.” *Mergens*, 496 U.S. at 250 (emphasis added). The Court also aptly noted that it is not a difficult concept to understand that the Government “does not endorse or support . . . speech that it merely permits on a nondiscriminatory basis.” *Id.*

Further, “religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection.” *Thomas v. Review Bd. of Ind. Employment Sec. Div.*, 450 U.S. 707, 714 (1981). Hence, it is clear that the enforcement of a blanket rule prohibiting individuals serving in the military from discussing their faith or expressing other religious sentiments violates the most basic First Amendment rights of free speech and free exercise of religion. Every religion includes traditional practices. Different faiths require participation in different activities which are essential to the fulfillment of one’s religious calling. An integral part of the Christian faith is sharing one’s faith with others. Likewise, an integral part of the Islamic faith requires its adherents to fast during the month of Ramadan. Observant Jews are required to eat kosher foods. Clearly, adherents of different religious faiths practice their beliefs in numerous ways besides merely attending periodic religious services at formalized locations like chapels.

RELIGIOUS EXPRESSION IN THE MILITARY

The Department of Defense has correctly recognized its responsibility under the Constitution to provide for the religious free exercise needs of men and women in uniform, consistent with the requirement to maintain good order and discipline.

A. Official DOD Policy Protects Religious Expression

- All military commanders must provide for the free exercise of religion by servicemen under their command:
 - “[C]ommanders [must] discharge their responsibilities to provide for the free exercise of religion in the context of military service as guaranteed by the Constitution.” Dep’t of Def. Directive 1304.19 § 4.1 (June 11, 2004) (“Appointment of Chaplains for the Military Departments”) (hereinafter DoDD).

- All requests to accommodate religious expression *should* be approved when not adversely impacting (1) military readiness, (2) unit cohesion, (3) standards, or (4) discipline:
 - “A basic principle of our nation is free exercise of religion. The Department of Defense places a high value on the rights of members of the Armed Forces to observe the tenets of their respective religions. It is DoD policy that requests for accommodation of religious practices should be approved by commanders when accommodation will not have an adverse impact on military readiness, unit cohesion, standards, or discipline.” DoDD 1300.17 § 3.1 (Feb. 3. 1988) (“Accommodation of Religious Practices Within the Military Services”).
 - When resolving *difficult* questions about religious accommodation, commanders should consider the following factors:
 - “The importance of military requirements in terms of individual and unit readiness, health and safety, discipline, morale and cohesion.”
 - “The religious importance of the accommodation to the requester.”
 - “The cumulative impact of repeated accommodations of a similar nature.”
 - “Alternative means available to meet the requested accommodation.”
 - “Previous treatment of the same or similar requests, including treatment of similar requests made for other than religious reasons.” *See* DoDD 1300.17 § 4.1.
- B. Limitations on Religious Free Exercise in the U.S. Armed Forces May Be Justified Solely by Actual Military Necessity, Not by a “Heckler’s Veto” of Those Opposed to Religion**

A major concern regarding free exercise of religion in uniform deals with how commanders determine when unit cohesion is adversely affected since “adverse impact” on “unit cohesion” is an admittedly vague standard. To protect religious expression to the extent required by the Constitution, commanders must not curtail accommodation based on hypersensitive or hostile reaction, merely because one or a few Service Members dislike the religious message. As noted in *Lee v. Weisman*, the Supreme Court did “not hold that *every state action* implicating religion is invalid if one or a few citizens find it offensive. People may take offense at all manner of religious as well as nonreligious messages, but offense alone does not in every case show a violation.” 505 U.S. 577, 597 (1992) (emphasis added). Where the offending expression is a private message made by one or more individuals, including individual Service Members (i.e., not “state action”), the commander must be even more careful in fulfilling his responsibility to protect and defend the Constitutional rights of the Service Members under his command, since First Amendment rights were intended to protect the individual from his own Government.

In other words, threats to unit cohesion must be real, not illusory. Accordingly, commanders must studiously avoid blindly reacting to complaints (such as the frequent, erroneous Establishment Clause complaints lodged by the MRFF and similar groups), especially when any reasonable, minimally informed, person knows that no endorsement of religion is intended. That principle was clearly enunciated in *Americans United for Separation of Church & State v. City of Grand Rapids*, where the court noted that there are persons in our society who see religious endorsements, “even though a reasonable person, and any minimally informed person, knows that no endorsement is intended.” 980 F.2d 1538, 1553 (6th Cir. 1992). The court characterized such a hypersensitive response as a form of heckler’s veto which the court labeled an “‘ignoramus’ veto.” *Id.*

In one of the most powerful proclamations upholding the rights of private religious speakers, the Supreme Court stated:

The contrary view . . . exiles private religious speech to a realm of less-protected expression heretofore inhabited only by sexually explicit displays and commercial speech. . . . It will be a sad day when this Court casts piety in with pornography, and finds the First Amendment more hospitable to private expletives . . . than to private prayers. This would be merely bizarre were religious speech simply as protected by the Constitution as other forms of private speech; but it is outright perverse when one considers that private religious expression receives *preferential* treatment under the Free Exercise Clause. It is no answer to say that the Establishment Clause tempers religious speech. By its terms that Clause applies only to the words and acts of *government*. It was never meant, and has never been read by this Court, to serve as an impediment to purely *private* religious speech connected to the State only through its occurrence in a public forum.

Capitol Square Review & Advisory Bd. v. Pinette, 515 U.S. 753, 766-67 (1995) (internal citations omitted).


Moreover, in *Mergens*, the Supreme Court noted a key distinction in this regard: “[T]here is a crucial difference between *government* speech endorsing religion, which the Establishment Clause forbids, and *private* speech endorsing religion, which the Free Speech and Free Exercise Clauses protect.” 496 U.S. at 250. Merely because one wears a uniform or serves in a government position does not automatically turn one’s speech into government speech.

CONCLUSION

In light of the facts and law presented above, it is clear that Mr. Weinstein and the MRFF do not represent views or pursue policies that enhance religious tolerance. Mr. Weinstein advocates extreme positions which he defends with intemperate and ill-considered arguments. He is an extremist who sees constitutional violations where none exist. He is the last person who should be consulted in developing a balanced policy on religious expression in the armed forces of the United States.

Because of his extreme views on religious expression and his open and notorious disdain for religious beliefs and expression that he opposes, we call on Pentagon officials to repudiate immediately any relationships, advisory or otherwise, they have developed with Mr. Weinstein or his organization, the MRFF. By his own words and acts, he has conclusively demonstrated that he is not a suitable candidate to advise the Pentagon on religious expression in the armed forces of the United States.

Respectfully yours,



Jay Alan Sekulow
Chief Counsel



Robert W. Ash
Senior Counsel