

June 11, 2013

The Honorable Bernard Sanders  
Chairman  
Committee on Veterans' Affairs  
412 Russell Senate Office Building  
Washington, DC 20510

The Honorable Richard M. Burr  
Ranking Member  
Committee on Veterans' Affairs  
825A Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Sanders and Ranking Member Burr:

We are writing in opposition to S. 705, which will be considered during the Committee's June 12th hearing. This bill would broadly authorize the use of religious symbols on any government memorial or monument honoring United States veterans and is a misguided attempt to sanction government promotion of religion.

S. 705 is an ill-advised attack on a federal appeals court decision that held a 43-foot tall cross at a war memorial was an unconstitutional endorsement of religion because the cross is a preeminent Christian symbol that no other religion shares.<sup>1</sup> Although in limited circumstances the government may allow religious symbols to appear on public property, it must take steps to ensure that in doing so, it does not convey a message of preferring religion over non-religion, or advancing a particular religion over others. Enacting this, however, would not overcome this constitutional prohibition as Congress may not authorize violations of the First Amendment or overrule a court decision finding such a violation. In addition to constitutional concerns, certain government uses of religious symbols can harm religion by assigning a secular meaning to a sacred religious symbol. S. 705 ignores the delicate analysis for evaluating religious symbols on public property in which the courts have long engaged. Religious symbols do not become something else merely by congressional say-so.

Further, Department of Defense reports show that the U.S. Armed Forces is highly religiously diverse. Indeed, nearly one-third of all members of the armed services identify as non-Christian.<sup>2</sup> The government should not use religious symbols that do not represent a large segment of our service members. All of those who have served should be equally respected, regardless of their beliefs.

Notably, none of our organizations, nor any organization that we know of, has the slightest doubt that veterans and their families can mark their burial places with their choice from the dozens of symbols of belief, including a cross, a star of David, or a crescent. In fact, we support and defend their right to do so. Thus, S. 705 is not necessary to protect religious symbols found on headstones in military cemeteries throughout the country. These religious symbols are not considered military memorials, but are instead personal religious speech that reflects the personal faith and choice of each individual fallen service member. In such cases, the government simply respects and facilitates an expression of an individual's personal beliefs.

We oppose this bill because it is an attempt to use religion for political purposes, which harms the beliefs of everyone.

Respectfully,

American Civil Liberties Union  
American Jewish Committee  
Americans United for Separation  
of Church and State  
Baptist Joint Committee for Religious Liberty  
Hindu American Foundation

Interfaith Alliance  
Religious Action Center of Reform Judaism  
Sikh American Legal Defense and Education Fund  
(SALDEF)  
The Sikh Coalition

cc: Members of the Committee

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<sup>1</sup> *Trunk and Jewish War Veterans v. City of San Diego*, 629 F.3d 1099, 1110-11 (9th Cir. 2011), cert. denied, 132 S.Ct. 2532 (2012).

<sup>2</sup> Religious Diversity in the U.S. Military, Military Leadership Diversity Comm'n, Issue Paper No. 22 (June 2010).