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*for Separation of
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VIA FAX AND U.S. MAIL
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Re: Military Involvement in Religious Memorial Day Event

Dear Sec. Wynne and Acting Sec. Geren:

It has come to our attention that the U.S. Air Force and U.S. Army will take part this Memorial Day weekend in the “Task Force Patriot Salute to the Troops” in Stone Mountain, Georgia. The three-day event is sponsored by a Christian organization and is an unabashedly religious weekend featuring Evangelical Christian speakers and a worship service. Yet, promotional materials for the weekend identify the U.S. Air Force as a cosponsor, describe the weekend as an official U.S. Air Force 60th Anniversary event, and are branded with the Air Force’s 60th Anniversary logo. Military events — such as B-2 stealth-bomber flyovers and parachute-jump demonstrations — are interwoven into the program, and an active-duty Major is slated not just to introduce the B-2 flyover crew but also to present his religious “testimony” as part of the program. This marriage of religion and government is precisely what the Establishment Clause of First Amendment to the United States Constitution was designed to forbid, and we write to ask that you take steps to ensure that the military’s sponsorship and endorsement of the event is retracted and rectified.

Task Force Patriot USA, the primary organizer of the weekend, is a Christian organization that “exists for the purpose of sharing the fullness of life in Jesus Christ with all U.S. military, military veterans and families” and operates on the premise that “Christ is our Commander-in-Chief.” Task Force Patriot, <http://www.taskforcepatriot.com/MissionStatement.html> (last visited May 23, 2007). Task Force Patriot’s logo is dominated by a cross. *See id.* at <http://www.taskforcepatriot.com/> (last visited May 23, 2007). In addition, the event

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venue — Stone Mountain Park — is religiously affiliated, requiring that employees be “committed to working in a manner consistent with Christian values.” StoneMountain Park, <http://www.stonemountainpark.com/employment/> (last visited May 23, 2007). The speakers and performers at the event also reflect the religious nature of the gathering. For example, Bobby Welch is “one of the most heard Southern Baptist ‘God and Country’ speakers,” (Task Force Patriot, <http://www.taskforcepatriot.com/salutetothetroops.html> (last visited May 23, 2007)), and Peter Marshall is a Christian restorationist who exhorts his followers to “recover the zeal of our evangelical forefathers, who in the 19th century began new ministries to every social problem in the nation.” Peter Marshall Ministries, <http://www.petermarshallministries.com/about/index.cfm> (last visited May 23, 2007).

The military’s sponsorship of the event is reflected in materials published by both Task Force Patriot USA and the military itself. A poster featuring the Air Force’s 60th Anniversary logo notes that the “U.S. Air Force celebrates its 60th Anniversary with Heritage to Horizon Activities,” including “Hourly Flyovers featuring B-2 Bomber . . . And much more!” Task Force Patriot, <http://www.taskforcepatriot.com/salutetothetroops.html> (last visited May 23, 2007). The event website encourages users to “Visit Some of the Task Force Patriot USA Salute to the Troops Partners,” providing hyperlinks to websites for, among others, the U.S. Air Force, Holman Bible Outreach International, LifeWay Christian Stores, and Georgia Baptist Men’s Ministry. *Id.* And a description of the event on Stone Mountain Park’s website notes that “[g]uests will enjoy three days of flyovers to celebrate the 60th Anniversary of the United States Air Force.” Stone Mountain Park, <http://www.stonemountainpark.com/mini-section/default.aspx?id=16> (last visited May 23, 2007). Moreover, the Air Force itself has touted this partnership to its troops in Georgia, noting in the ROBINS REV-UP that “Task Force Patriot USA, LifeWay Christian Resources, GM, Stone Mountain Park, and the United States Air Force have joined together to create a three-day celebration honoring active duty and veteran U.S. troops and their families” and explaining that the weekend is “an official U.S. Air Force 60th Anniversary event.” *In Brief/Veteran’s Celebration*, THE ROBINS REV-UP, May 4, 2007, at 10A (*available online* at <http://www.robins.af.mil/shared/media/document/AFD-070504-020.pdf>).

According to the program published online, the festivities will include a variety of military events: demonstration jumps by the Army’s Silver Wings Parachute Team, a performance by the Air Force Heartland of America Band, hourly flyovers by B-2 stealth bomber planes, and speeches by active-duty Air Force Maj. Brian Neal. Task Force Patriot, <http://www.taskforcepatriot.com/Weekendschedule.html> (last visited May 23, 2007). These events are not a discrete part of the festivities; they are interwoven into the religious portions of the program. Indeed, the B-2 flyovers are integrated into a *religious worship service*. The flyovers will be narrated, and the crew introduced, by Maj. Brian Neal, whose presentation is also slated to include a “brief testimony” about his religious orientation. *Id.* (Maj. Neal is also scheduled to take part in Saturday’s Men’s Conference with Christian author Frank Turek. *Id.*)

The military’s participation in this religious celebration strikes at the heart of the Establishment Clause, calling into question whether the Air Force and Army have maintained the “official religious neutrality” mandated by the Constitution. *McCreary County v. ACLU of*

Kentucky, 545 U.S. 844, 860 (2005). This neutrality principle, “at the very least, prohibits government from appearing to take a position on questions of religious belief or from ‘making adherence to a religion relevant in any way to a person’s standing in the political community.’” *County of Allegheny v. ACLU*, 492 U.S. 573, 593-94 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 687 (1984)). Thus, the government may not undertake any activity that “has the purpose or effect of ‘endorsing’ religion.” *Allegheny*, 492 U.S. at 592. The Air Force and Army are prohibited, then, from “‘openly or secretly, participat[ing] in the affairs of any religious organizations or groups and vice versa.’” *See id.* at 591 (quoting *Everson v. Bd. of Educ.*, 330 U.S. 1, 16 (1947)).

While we understand that community groups may request performances by the Silver Wings, the Heartland Band of America, and the B-2 stealth bombers, and that the military often obliges those requests where such appearances will further recruiting and outreach efforts, there is a constitutionally significant difference between, on one hand, making appearances that are “for hire,” and, on the other hand, officially cosponsoring a three-day religious celebration, or becoming so entangled in such an event that it is no longer possible to distinguish between official organizers and mere participants. *See, e.g., Doe v. Village of Crestwood*, 917 F.2d 1476, 1478-79 (7th Cir. 1990) (finding that publicity materials and information in city paper regarding Catholic Mass to be held during Village’s Italian Festival “would lead an objective observer to conclude that the Village itself is the sponsor, or at least a sponsor,” and enjoining Village from holding Mass during Festival because “[a] religious service under governmental auspices necessarily conveys the message of approval or endorsement”); *Gilfillan v. City of Philadelphia*, 637 F.2d 924, 930-31, 933 (3d Cir. 1980) (finding impropriety in City’s collaboration with the Archdiocese in preparation for Pope’s visit, and rejecting claim that a “peripheral public relations benefit” to the City could render the City’s sponsorship of the event permissible); *Newman v. City of East Point*, 181 F. Supp. 2d 1374, 1381-82 (N.D. Ga. 2002) (holding that although Mayor and city officials could participate in prayer breakfast “as individuals,” the “Mayor in her official capacity and the City of East Point [were barred by the Establishment Clause] from organizing, advertising, promoting or endorsing” the breakfast and “from using City resources or employees on City time for organizing, advertising, promoting or endorsing” it).

The Air Force and the Army have crossed the line here: A reasonable observer, upon examining the promotional materials, the Robins Air Force Base newspaper, and the current program schedule, could not help but believe that the Army and Air Force fully support and endorse the Christian substance of the celebration. If you allow events to unfold as they are now scheduled, the message of governmental endorsement — and in turn, the constitutional violation — will be clear. We thus urge you, at a minimum, to take the following steps:

- It is essential that you retract the military’s sponsorship of this event. This will require the removal of all claims of military sponsorship in materials disseminated by Task Force Patriot USA and the military itself, as well as the publication of a disclaimer making clear to the public that the weekend is not an official military event.

- The military events must be presented as a discrete part of the festivities rather than integrated into worship services or other religious activity.
- Finally, you must ensure that active-duty military personnel maintain compliance with constitutional requirements. That would require putting Major Neal to a choice: he can appear out-of-uniform in his personal capacity, in which case he may present his religious “testimony” but cannot perform functions that are plainly undertaken in an official capacity, such as the introduction and narration of the B-2 flyovers; or, if he wears his uniform, he may introduce and narrate the flyovers, but he must refrain from delivering religious messages as part of his presentation.

Furthermore, it is unclear whether Task Force Patriot followed the same procedures, and provided the government with the same financial remuneration, demanded of other community groups that request performances by the Silver Wings, the Heartland Band of America, and the B-2 stealth bombers. Because the Constitution forbids preferential treatment of religious organizations (*see Texas Monthly v. Bullock*, 489 U.S. 1, 8-9 (1989)), it is essential that you ensure that Task Force Patriot did not receive special treatment. In addition, we would suggest that you review your policies and procedures to provide greater oversight over the terms and conditions under which the military becomes involved in community events in order to prevent incidents of this kind from occurring in the future.

As Justice O’Connor has wisely observed:

At a time when we see around the world the violent consequences of the assumption of religious authority by government, Americans may count themselves fortunate: Our regard for constitutional boundaries has protected us from similar travails, while allowing private religious exercise to flourish. . . . Those who would renegotiate the boundaries between church and state must therefore answer a difficult question: Why would we trade a system that has served us so well for one that has served others so poorly?

McCreary, 545 U.S. at 882-83 (O’Connor, J., concurring). Those words continue to ring true. By avoiding religious favoritism in our nation’s armed forces, we not only strengthen our religious liberties at home, but we ensure that our troops are not viewed abroad as religious warriors dispatched to denigrate the varied religious traditions of peoples of other countries.

Sincerely,



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