



(202) 466-3234
(202) 466-3353 (fax)
www.au.org

1901 L Street, NW
Suite 400
Washington, DC 20036

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By Email & U.S. Mail

Deborah Lee James
Secretary of the Air Force
1670 Air Force Pentagon
Washington, DC 20330-1670
deborah.l.james2.civ@mail.mil

General Mark A. Welsh III
Chief of Staff, United States Air Force
1670 Air Force Pentagon
Washington, DC 20330-1670
mark.a.welsh.mil@mail.mil

Re: *Topics from June 12, 2015, Commander's Call*

Dear Secretary James and General Welsh:

We have received a complaint about the June 12 issue of Commander's Call Topics. The issue, which is emailed to all Air Force commanders, contains a section describing two flag-folding ceremonies. See Commander's Call Topics, June 12, 2015, available at <http://tinyurl.com/june12topics>. One of the ceremonies, which is designated as the official ceremony, is non-religious. The other ceremony—which the distribution states may be used at personal ceremonies where attendance is voluntary—is religious, and includes statements about the religious symbolism of each fold. These includes the following:

- “The second symbolizes our belief in eternal life”;
- “The fourth represents our weaker nature; as American citizens trusting in God, it is to Him we turn in times of peace, as well as in times of war”;
- “The 11th fold, in the eyes of Hebrew citizens, represents the lower portion of the seal of King David and King Solomon and glorifies, in their eyes, the God of Abraham, Isaac and Jacob”; and
- “The 12th fold, in the eyes of a Christian citizen, represents an emblem of eternity and glorifies, in their eyes, God the Father, the Son and Holy Spirit.”

In light of its religious content, the second ceremony cannot properly be incorporated into Air Force events, whether personal and voluntary or not. By using official government communications to suggest the use of a religious ceremony that promotes advances religious beliefs, and by associating the American flag with these beliefs, the Air Force violates the basic rules of the Establishment Clause, which forbid the government from taking any action that communicates “endorsement of religion.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 305 (2000). Government bodies must maintain “neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cnty. v. Am. Civil Liberties Union*, 545 U.S. 844, 860 (2005) (quotation marks omitted). When they depart from this principle, it “sends the ancillary message to ... nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the community.” *Santa Fe*, 530 U.S. at 309–10 (quotation marks omitted).

The constitutional violation is exacerbated by the fact that the ceremony is not just religious, but sectarian. “The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another.” *Larson v. Valente*, 456 U.S. 228, 244 (1982). Even under the most generous reading of the document, the Air Force advances the views of Christians (and possibly, if one squints, Jews). There is no ceremony for Muslims, or Buddhists, or Hindus, or Wiccans, or those who practice any other faith. Those who serve our country in the Armed Forces have diverse beliefs about religion, and the Air Force may not promote some of those beliefs at the expense of others.

For all of these reasons, we ask that you rescind the authorization for use of the religious flag folding ceremony at official Air Force events. We would appreciate a response to this letter within thirty days. If you have any questions, you may contact Ian Smith at (202) 466-3234 or ismith@au.org.

Sincerely,



Ayesha N. Khan, Legal Director
Gregory M. Lipper, Senior Litigation Counsel
Ian Smith, Staff Attorney