



MILITARY RELIGIOUS FREEDOM  
f o u n d a t i o n

February 23, 2021

Mayor Don Wilson  
Town of Monument  
645 Beacon Lite Road  
Monument, Colorado, 80132

Dear Mayor Don Wilson,

I am writing you today about an unfortunately serious matter of blatant unconstitutionality and Department of Defense (DoD) regulatory violations being perpetrated by the government of the Town of Monument, Colorado in El Paso County.

My name is Mikey Weinstein and I head up the [Military Religious Freedom Foundation](https://www.militaryreligiousfreedom.org/) (MRFF).

MRFF is a large civil rights advocacy organization that focuses its efforts on protecting the Constitutionally-mandated wall separating Church and State in the U.S. military, Veterans Administration, and U.S. Intelligence agencies.

In this regard, MRFF currently represents well over 72,000 Active Duty U.S. service members, Reserve, National Guard, veterans, cadets and midshipmen at the military academies, and ROTC/OCS/OTS as well as High School Jr. ROTC and DoD civilians and civilian contractors.

MRFF has been contacted by a number of El Paso County Active Duty and Reserve/National Guard military personnel as well as veterans regarding the matter displayed below in this local news article from October 14, 2020. Most of MRFF's clients in this matter are residents of the Town of Monument and are also practitioners of the Christian faith.

Here is the reason they reached out for help to MRFF, Mr. Mayor:

[https://gazette.com/thetribune/monument-teen-gifts-his-eagle-scout-project-a-veterans-memorial-to-the-town/article\\_aff43470-07fe-11eb-b8b2-13e6ab5da275.html](https://gazette.com/thetribune/monument-teen-gifts-his-eagle-scout-project-a-veterans-memorial-to-the-town/article_aff43470-07fe-11eb-b8b2-13e6ab5da275.html)

I will be very brief here, sir.

It is simply unconstitutional for your Town to be using taxpayer funds to promote any religious faith, as herein, Christianity.

The obviously and incontrovertibly sectarian, Christian proselytizing message of that Veterans Memorial would be absolutely fine in a private cemetery, but in a publicly maintained and controlled cemetery, as in this instant matter, it is quite unconstitutional and illegal.

Nor does this display find any defense in *American Legion v. American Humanist Association*, where the Supreme Court held that "retaining established, religiously expressive monuments . . . is quite different from erecting or adopting new ones." 139 S. Ct. 2067, 2085 (June 20, 2019). Because the City's display is newly created and erected, the City cannot claim any presumption of constitutionality.

In addition to the egregious Constitutional violation of this Christian-supremacy religious monument being initially constructed, located and maintained on government (Town of Monument) property, its open display of the trademarked Department of Defense military branch emblems is in violation of Department of Defense Instruction (DoDI) 5535.12, "DoD Branding and Trademark Licensing Program Implementation," Section 2.d. of which states (emphasis added):

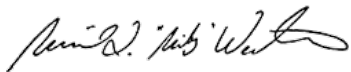
"In accordance with subpart 2635.702 of Title 5, Code of Federal Regulations (Reference (i)), DoD marks may not be licensed for use in a manner that creates a perception of DoD endorsement of any non-federal entity or its products and services. **DoD marks may not be licensed for any purpose intended to promote** ideological movements, sociopolitical change, **religious beliefs** (including non-belief), specific interpretations of morality, or legislative/statutory change. ..."

Accordingly, Mayor Wilson, MRFF demands that you immediately remedy these noxious unconstitutional and DoD regulation violations by either expeditiously removing that memorial or altering its current unconstitutional Christian proselytizing message to comply with the United States Constitution's First Amendment (No Establishment Clause) and DoD regulations regarding trademark and licensing mandates.

Failure to timely comply with these reasonable demands by MRFF may result in Federal litigation to so enforce them.

Please kindly advise within the next 7 business days.

Sincerely,



Michael L. "Mikey" Weinstein, Esq.  
Founder and President  
Military Religious Freedom Foundation  
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