Congress of the United States

Washington, DC 20515

October 29, 2007

The Honorable Gordon H. Mansfield
Acting Secretary of Veterans Affairs
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington D.C. 20420

Dear Secretary Mansfield:

It has recently come to our attention that the National Cemetery Administration (NCA) has banned the recitation of a common flag-folding ceremony sometimes used by cemetery employees and volunteers at the 125 national cemeteries. It is our understanding that the change in policy was prompted by one complaint at Riverside National Cemetery in California.

In this particular case, someone objected to one of the many religious references in the flag-folding ceremony. We find it appalling that the change in policy may prohibit national cemetery employees and volunteers from reciting the 13 steps, and that the ban extends to Veterans Service Organizations like the American Legion and the VFW, which often provide volunteers to assume flag-folding duties and the playing of Taps at veterans' funerals.

Religion and government must interact while co-existing in society. In 1997 the Supreme Court decision *Agostini v. Felton,* identified three primary criteria for determining whether a government action has a primary effect of advancing religion: 1) government indoctrination, 2) defining the recipients of government benefits based on religion, and 3) excessive entanglement between government and religion. It is clear the 13-flag recital, if requested by the family, does not reach the threshold established by the courts.

In our opinion, the outright ban of this ceremony made to provide uniformity in military funeral services at military cemeteries is an unnecessary response. The folding of the flag is a solemn moment at a military funeral and for many families of veterans it has tremendous meaning. The very essence of a funeral is spiritual and if a family wants the 13 steps recited they should make that choice, not some bureaucrat in Washington. Our veterans deserve better.

We request that you reconsider this decision and adopt the policy that the recitation of the flag-folding ceremony shall be allowed if the family of the deceased makes the request. We feel our veterans have rightfully earned this honor if the family of the deceased so chooses.

Sincerely,

Ken Calvert
Member of Congress

Steven C. LaTourette
Member of Congress

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