

October 2, 2013

**VIA OVERNIGHT DELIVERY SERVICE**

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

By way of introduction, the American Center for Law and Justice (ACLJ) is a non-profit organization dedicated to defending constitutional liberties secured by law. ACLJ attorneys have successfully argued numerous free speech and religious freedom cases before the Supreme Court of the United States.<sup>1</sup>

The generation that lived through the Second World War has come to be known as “the Greatest Generation.” That generation stepped forward during some of the darkest days of our history and placed themselves in harm’s way to protect the country they loved and our way of life. It took decades to build a Memorial to honor their achievement and courage. Now, veterans of the Second World War are dying at the rate of approximately 640 per day. In order to allow veterans to see the Memorial that was erected in their honor, Honor Flights have been organized to bring interested veterans to Washington to see the Memorial that was erected to honor them. Other veterans travel to Washington alone or with their families to see the Memorial.

It has been widely reported on the news that, allegedly due to the current budget impasse, the World War II Memorial on the Mall has been closed to World War II veterans, their families, and the public. It has been further reported that veterans may risk arrest if they breach the barricades to get to the Memorial. That is outrageous for a number of reasons:

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<sup>1</sup>See, e.g., *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009) (unanimously holding that the Free Speech Clause does not require the government to accept other monuments merely because it has a Ten Commandments monument on its property); *McConnell v. FEC*, 540 U.S. 93 (2003) (unanimously holding that minors enjoy the protection of the First Amendment); *Lamb’s Chapel v. Center Moriches Sch. Dist.*, 508 U.S. 384 (1993) (unanimously holding that denying a church access to public school premises to show a film series on parenting violated the First Amendment); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (holding by an 8–1 vote that allowing a student Bible club to meet on a public school’s campus did not violate the Establishment Clause); *Bd. of Airport Comm’rs v. Jews for Jesus*, 482 U.S. 569 (1987) (unanimously striking down a public airport’s ban on First Amendment activities).



First, the World War II Memorial has traditionally been open to the public throughout the day and night and is not surrounded by fences or barricades. As such, in order to keep the public and veterans out, barricades had to be specially procured and money spent to erect such barricades to close the Memorial.

Second, parks like the Mall and the World War II Memorial are traditional public fora that are available for First Amendment Free Speech activities by all Americans.

Third, given the advanced ages of World War II veterans, many of them have limited time and opportunity to visit the Memorial. Hence, in order for them to be able to visit the Memorial, it must be open when they are able to be present in the Nation's capital.

Fourth, those who risked their lives for us during the dark days of World War II should not have to risk arrest by their own government in attempting to see the Memorial erected to honor them and their buddies who gave their all in defense of this Nation.

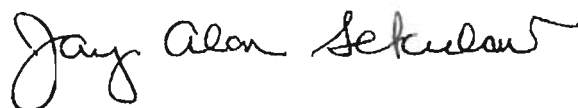
The current budget impasse did not require that the Memorial be shut down. Shutting it down was morally inexcusable, given what these veterans did for this Nation. Whoever in your Administration made that decision exercised extremely poor judgment and should be admonished.

With due respect, Mr. President, we demand: First, that the World War II Memorial be re-opened immediately for all veterans, their families, and the public to honor and recognize the courage and achievement of those who fought to keep us free; Second, that the Memorial be opened once again for First Amendment expressive activity by all members of the public; Third, that the barricades be taken down and removed forthwith; and Fourth, that you issue a personal apology on behalf of your Administration to the veterans and their families who have been affected by the current closure of the Memorial

Mr. President, all Americans should be ashamed of the decision to close the World War II Memorial, a decision that trampled on the bond of trust between our veterans and their Government.

Should the closure of the Memorial continue, we will be obligated to file a federal lawsuit seeking an injunction against the Government.

Respectfully yours,



Jay Alan Sekulow  
Chief Counsel



Robert W. Ash  
Senior Counsel