



July 21, 2015

**VIA FACSIMILE [REDACTED] &
OVERNIGHT DELIVERY SERVICE**

The Honorable Ashton B. Carter
Secretary of Defense
[REDACTED]

Dear Mr. Secretary:

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.¹

The recent murders of five Service Members in Chattanooga, Tennessee, serve as a vivid reminder that our fight to defeat radical Islamic jihadism continues to this day—even on American soil. What took place in Chattanooga last week was one more in a series of jihadist attacks that have occurred in the United States specifically and intentionally aimed at the men and women who wear the uniform of the United States Armed Forces.

In our view, it is both disgraceful and intolerable that the targets of such attacks, the very men and women in uniform who have all volunteered to serve in our Armed Forces, are prohibited by their own Government from bearing arms at their places of duty to protect themselves in the fight that is increasingly occurring on our own soil. Members of the U.S. Armed Forces deserve far better from their leaders.

¹See, e.g., *Pleasant Grove City v. Summum*, 129 S. Ct. 1125 (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).

The men and women who willingly place themselves in harm's way for the rest of us are well-trained and well-motivated. They know how to properly handle weapons, and they know how to defend themselves. That is part and parcel of their initial training in the Armed Forces. Service Members continually demonstrate on the battlefield that they are competent professionals. There is no reason that they cannot be trusted to handle weapons in their own self-defense and in the defense of others here at home, especially since Islamic jihadists are turning our homeland into a jihadist battlefield.

Mr. Secretary, force protection is one of your prime responsibilities. Therefore, we respectfully urge you to amend current DOD directives and other DOD documents that preclude our Service Members from being armed to protect themselves, so that men and women in uniform are never again without the means to defend themselves when attacked by a fanatical Islamic jihadist. We owe it to our soldiers, sailors, airmen, and Marines to allow them to defend themselves when in mortal danger. Permitting all Service Members to be able to be armed to defend themselves when jihadists attack would be a significant first step in the right direction.

Mr. Secretary, we believe that time is of the essence. We urge you to act quickly in the interest of the all men and women in the Armed Forces of the United States.

Respectfully yours,



Jay Alan Sekulow
Chief Counsel



Robert W. Ash
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