



1st Amendment Will Prevail at Houston VA National Cemetery

Cemetery will not interfere with prayers, religious expression during burial services.

KANSAS CITY, MO., October 21, 2011 – The Veterans of Foreign Wars today declared victory in a Federal Lawsuit (*Rainey v VA*) filed over allegations of religious hostility and unlawful censorship by the VA and its director of the Houston National Cemetery.

Federal District Judge Lynn N. Hughes signed a consent decree ordering the U.S. Department of Veteran Affairs (VA) to lift the ban on prayer and the word “God” at national cemeteries, to revoke national policies hostile to religion, and to reopen the Chapel which identity was previously changed to “meeting facility” at the Houston National Cemetery.

Texas-based Liberty Institute filed suit on behalf of the VFW over allegations of religious hostility and unlawful censorship by the VA and its director of the Houston National Cemetery. Officials told the VFW they could not have prayer during the burial services of veterans unless the family requested it specifically in writing and submitted the prayer to VA officials for pre-approval.

“The VFW is grateful that the government has restored the basic tenets recognized in the U.S.

Constitution – which guarantees fundamental rights of religious expression and freedom of speech – to patriotic Americans who sacrifice everything to defend it. This is indeed a victory.” said VFW National Commander Richard DeNoyer.

“We are thankful that after almost five months of litigation, the government is finally doing the right thing by entering into a consent decree and ending religious hostility at the Houston National Cemetery,” said Jeff Mateer, general counsel for Liberty Institute. “The decree not only impacts religious freedoms in Houston, but at all VA cemeteries nationwide because the government has agreed to modify two national policies hostile to religion.”

The order also requires the VA to change its national policies regarding volunteer honor guards. These changes will now allow the reading of “Thirteen Fold” Flag Recitations unless the deceased veteran’s family requests otherwise, volunteer honor guards to provide their own texts of recitations to the funeral homes for the funeral homes to offer those options to the deceased veteran’s survivor(s) for consideration, and the VFW honor guards to work independently with funeral homes to coordinate provision of volunteer services at the committal services scheduled at the cemetery without interference from the government.

“I am glad to see the VA overturn these policies, which will allow us to perform the entire VFW burial ritual,” said Inge Conley, Commander of VFW District 4 in Houston and the VFW entity that initiated the lawsuit. “We should be able to include prayers, mentions of God, and the phrase, ‘May God grant you, grace, mercy and peace,’ to grieving families laying American soldiers to rest.”