



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

Thursday, September 11, 2014

The Honorable Chuck Hagel
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Hagel:

I write you on behalf of our MRFF clients, 17 active duty USAF non-commissioned officers, who intend to reenlist in the USAF sometime in the next 9 months. These honorable NCOs have been specifically told by their commanders that they MUST end their respective enlistment oaths with the words "so help me God," or face draconian and certain expulsion from the United States Air Force (USAF).

As you are certainly aware, the U.S. Air Force has just recently started applying a completely unlawful religious test as a mandatory standard for re-enlistment. Non-theistic airmen are now given the options of either lying in their oath of service by falsely affirming belief in a deity, or being unscrupulously denied the opportunity to serve. Clause 3, Article VI of the U.S. Constitution expressly forbids any religious test from being exacted by our government. As the supreme law of this country, that clause supersedes AFI 36-2606, which was modified to deny the religious freedom of our airmen in October of last year, and 10 USC 502, which was modified in 1962 to require those words in the enlistment oath at the height of the Cold War and as a result of other now irrelevant factors to the matter at hand.

By allowing this noxiously unconstitutional practice to continue, the USAF is willfully disregarding the United States Constitution in open defiance of numerous, dispositive Supreme Court rulings on the matter. The following ruling by our nation's highest Court powerfully elucidates the USAF's current failure:

"Where the state conditions receipt of an important benefit upon conduct proscribed by a religious faith, or where it denies such a benefit because of conduct mandated by religious belief, thereby putting substantial pressure on an adherent to modify his behavior and to violate his beliefs, a burden upon religion exists. While the compulsion may be indirect, the infringement upon free exercise is nonetheless substantial."

-Thomas vs. Review Board of the Indiana Employment Security Division,
450 U.S. 707 (1981)

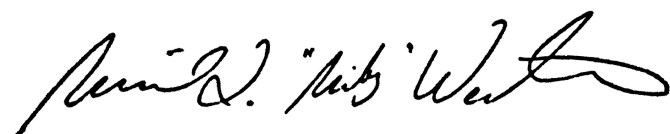
Until now, it has been understood by the United States armed forces that people of any religion are rightfully free to serve this country. In a time of increasingly polarized fundamentalist theocratic hostility, what good will be accomplished by deliberately leaning the singular most lethal organization ever to exist on this planet towards a reflection of ISIS? At the outset of the Cold War, our country exacted far greater harm on its own citizens than our enemies abroad due to the paranoid zeal of ignoble people like Senator McCarthy. We became our own enemy. There is no reason any conscious, breathing human being should look at today's situation and suggest that a reiteration of those horrendous times is in order, and yet that is exactly where we find ourselves.

In August of this year, some 10 months subsequent to the modification of AFI 26-2606, the DoD approved of USMEPCOM Regulation 601-23 which quite explicitly states in part "that the words 'so help me God' may be omitted at the end of the oath" of enlistment should a service member choose to do so. Clearly, the DoD does NOT in practice, even remotely, support a rigid enforcement of 10 USC 502. Any efforts to do so are a disingenuous and disgraceful interpretation of the law, serving and pandering to what is nothing more than a pathetically partisan, conservative theocratic agenda.

"Believe or be gone" was NOT the motto of our founders, and it's not an idea that our predecessors fought and died for. With a single command directive, Mr. Secretary, you can immediately remediate this bigoted issue and prevent any valuable airmen from being wrongfully discharged from the military for failing a BLATANTLY unlawful religious test. We are calling on you to uphold your oath to defend the Constitution against all enemies, foreign and domestic.

Secretary Hagel, will you please have the courage to do so?

Sincerely,



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

CC:
Deborah Lee James, Secretary of the Air Force
General Mark A. Welsh III, Chief of Staff of the Air Force