



Via Email Only

13 January 2017

Marguerite C. Garrison
Deputy Inspector General
for Administrative Investigations
Room 15D27, West Tower
4800 Mark Center Drive
Alexandria, VA 22350

RE: MRFF Complaint Response - Reconsideration / Appeal [*Corrected Copy*]

Dear Ms. Garrison:

Thank you for your response to this matter earlier today. While I do not want to beat the proverbial “dead horse” here, after conferring with my client, I am asking in the alternative that you and your office reconsider your response and conclusions for the reasons set forth below, or that you forward this matter to the Deputy Secretary of Defense for his review and action. Our rationale for this is as follows.

1. **The CARL Event:** We respectfully submit that this event was far more than “an award reception recognizing a departing Member of Congress” There were other Members of Congress also present, *viz.*, Doug Collins (R-GA), John Fleming (R-LA), James Lankford (R-OK), and Trent Franks (R-AZ). Mr. Collins *was* actively campaigning at the time and thus, the first prong of the “partisan political activity” test was respectfully satisfied, especially since all (including Mr. Forbes) were members of the same political party.

Those Members of Congress as well as the core position of CARL, was/is to repeal, “Don’t Ask, Don’t Tell,” and to deny basic equality rights to members of the LGBT military community, which we respectfully submit is clearly a partisan position “from the perspective of a reasonable person with knowledge of the relevant facts,” which are certainly identifiable with prominent factions of the Republican party. CARL’s theological positions – supported by Maj Gen Costin and the Members of Congress in attendance – are respectfully *not* about “religious freedom for military personnel.” Rather, they perpetuate their particular religious interpretations to the *exclusion* of all other religions and non-religions or atheism. That respectfully, within the military service context, is not “religious freedom.” The only logical conclusion that can be drawn from this is that this was indeed promoting a partisan (here Republican) position which CARL likewise maintains, especially when three Members of Congress also spoke at the event (Collins, Fleming and Lankford). That - coupled with the legal and regulatory provisions previously provided - constitutes the problem with Maj Gen Costin’s discriminatory *conduct* (to include wearing of his uniform) at the event.

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2. **CARL's DISCRIMINATORY MEMBERSHIP LIMITATIONS:** I will acknowledge that I probably could have been a tad clearer in my prior communication about this. However, CARL's membership criteria are plainly discriminatory if you examine them in the context of *religious* discrimination - banned by DoD and AF policies and regulations. While true in a general context that "Jewish and Muslim Chaplains" (as an example) can be "Partners," that is *per se* discriminatory because they are relegated to being second-class members, without substantial rights or influence as their website plainly demonstrates. <https://chaplainalliance.org/about-us/purpose-statement> . As paragraph F(3) plainly states, being a "Partner" "does not entitle the partner to vote in the election of the *Chaplain Alliance's* Officers or policy decisions." That respectfully is by any definition, religious discrimination, as they cannot be full-fledged members but are relegated to being second-class members based upon being the "wrong kind" of religion, much less non-religious orientations.

3. **APPEARANCES:** We respectfully submit that Maj Gen Costin's conduct (delineated previously), flies in the face of AFI 1-1, Section 2.12, which states that: "Leaders at all levels ... must ensure their words and actions cannot reasonably be construed to be officially endorsing or disapproving of, or extending preferential treatment for any faith, belief, or absence of belief." Is not the AF Chief of Chaplains a leader? His public endorsement of CARL - an organization that does not allow servicemembers who are not adherents to his subset of evangelical Christianity, much less non-Christians, is and clearly promotes "preferential treatment" for his and CARL's particular religious beliefs.

In conclusion, first let me thank you for taking the time and energy to look at this matter again. Second, even if you opt to maintain your position expressed earlier today, please note that while we may disagree professionally, we do respect your position. As noted above, should that be the case, we respectfully request that you then forward this matter to the Deputy Secretary of Defense for his considered review and action.

Sincerely,

/s/ *Donald G. Rehkopf, Jr.*

DONALD G. REHKOPF, JR.

Attorney at Law

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