



Via Email Only

3 April 2017

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

RE: MRFF Complaint

Dear Ms. Garrison:

I am writing on behalf of the *Military Religious Freedom Foundation* [MRFF], which I represent in this matter. MRFF is an IRS recognized non-profit civil rights entity which is dedicated to and advocates for the preservation of the constitutionally mandated separation of church and state in the U.S. Armed Forces.

The MRFF currently represents over 50,200 active duty Sailors, Soldiers, Marines and Airmen, Service Academy/ROTC/OTS/OCS cadets and midshipmen, National Guard and Reserve personnel, DoD Civilian Employees, and Veterans. Among those clients, approximately 2 % (almost 1,000) identify as LGBTQ. At the Air Force Academy [AFA], MRFF currently has 414 total clients, 287 of whom are cadets, and 16 clients identify as LGBTQ, to include 14 cadets.

On behalf of my client, we are requesting that your office investigate the Air Force's failure (or indifference) to comply with DoDD 1020.02E, *Diversity Management and Equal Opportunity in the DoD*, (current through NOV 2016), as implemented by Air Force Instruction [AFI] 1-1, *Air Force Standards*, (current through NOV 2014), and AFI 36-7001, *Diversity*, (20 July 2012).

Additionally, we request that your office ascertain why no corrective action, to include UCMJ proceedings, has been taken against Lt Col Jonathan C. Dowty, USAF, who appears to have violated the above-referenced regulations. Furthermore, there is reasonable cause to believe that he may be in violation of Article 89, UCMJ, *Disrespect Toward a Superior Commissioned Officer*; Article 92, UCMJ, *Failure to Obey Order or Regulation*; Article 133, *Conduct Unbecoming an Officer and Gentleman*; and Article 134, *Conduct Prejudicial to Good Order and Discipline*. We will address these issues in more detail below.

COMPLAINT

The MRFF respectfully submits that Lt Col Jonathan C. Dowty, USAF, via his blogpost article, “BGen Kristin Goodwin and the USAFA Honor Code,” (published on the internet on 27 March 2017)¹ and its specific contents, appear to be in substantial violation of the DoD’s *Diversity* and *Equal Opportunity* programs and policies, as implemented by DoD and AF regulations. His commentary can reasonably be considered as violations of numerous punitive articles of the UCMJ, as delineated above.

Furthermore, under the circumstances, the failure of Lt Col Dowty’s chain-of-command to (a) ensure compliance by him with the DoD and AF Diversity and Equal Opportunity programs, policies, and regulations; and (b) take appropriate corrective action *after* his actions herein, not only implicitly condones his diatribe, but undermines Brig Gen (Sel) Goodwin’s authority as the nominee for the AFA’s Commandant of Cadets. It also creates a hostile and untenable environment for all of MRFF’s clients at the AFA, especially for cadet clients and in particular LBGTQ cadet-clients. Not only does this compromise the mission of the AFA,² to include its diversity program, but it also tends to stigmatize the very cadets that the Diversity and Equal Opportunity program and policies were designed to protect.

As such, the MRFF requests that your Office thoroughly investigate this matter and to make appropriate “Findings and Recommendations,” especially in the context of UCMJ violations.

BACKGROUND

A. Factual.

On 21 March 2017, the Air Force [AF] announced that it had nominated Colonel Kristin Goodwin, USAF, to be the next Commandant of Cadets at the AFA *and* for promotion to Brigadier General.³ Brig Gen (Sel) Goodwin is a 1993 AFA graduate, command pilot and former Bomb Wing Commander, currently serving as the Senior Military Assistant to the Secretary of the Air Force.

Lt Col Dowty has for some time published a blog titled, “God and Country” under the

¹ Available at and last accessed on 31 March 2017:
<http://christianfighterpilot.com/2017/03/27/bgen-kristin-goodwin-and-the-usafa-honor-code> If for some reason this link does not work, we will provide you with a hard copy of the posting.

² The AFA’s *Mission Statement Reads*: “To educate, train and inspire men and women to become officers of character motivated to lead the United States Air Force in service to our nation.” Available at:
http://www.academyadmissions.com/wp-content/uploads/2012/05/AFA10-201_In_the_Spotlight_Diversity_at_the_Air_Force_Academy.pdf [Last accessed: 31 March 2017].

³ *See*,
<https://www.defense.gov/News/News-Releases/News-Release-View/Article/1112376/general-officer-announcements>
and, <https://www.usafa.edu/on-the-cutting-edge-academy-supt-hosts-state-of-usafa-forum-march-22/> [Last accessed: 31 March 2017].

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pseudonym “Christian Fighter Pilot.” Two minutes on the internet in any major search engine, provides the link establishing that Lt Col Dowty is *the* “Christian Fighter Pilot.” That is all well and good as being within his legal and constitutional rights. However, on 27 March 2017, he published as noted above, an article entitled, “BGen Kristin Goodwin and the USAFA Honor Code.”⁴ There, by not so subtle innuendo, Lt Col Dowty accuses Brig Gen (Sel) Goodwin, *his* superior commissioned officer, of lying about her sexual orientation in order to gain admission to the AFA, without one iota of evidence to support his bigoted speculations.

MRFF is authorized to advise you that one of its Advisory Board members, Edie Disler, Lt Col, USAF (ret),⁵ has been in personal contact with Brig Gen (Sel) Goodwin and she (Goodwin) is both aware of Lt Col Dowty’s allegations and adamantly *denies* “lying” about anything, much less her *then* sexual orientation in order to gain admission to the AFA. Furthermore, she relates that she did not become aware of her sexual orientation until well after DADT went into effect. Thus, Lt Col Dowty’s implication that Brig Gen (Sel) Goodwin is a “liar,” is itself, patently false. Indeed, in some jurisdictions Dowty’s public comments would rise to the level of defamation *per se*.

Thus, it is clear that Lt Col Dowty had no knowledge in general, much less specific knowledge about:

1. Whether anyone actually asked Brig Gen (Sel) Goodwin about her sexual orientation *prior to* becoming an AFA cadet;
2. Assuming, for purposes of argument only, that she was actually asked such a question, what her response was, or if she was *even aware* at that age of her sexual orientation?⁶

Perhaps, more importantly, what if anything, did he do as an “Officer and a Gentleman” to even attempt to verify any real facts before engaging in his defaming attacks against Brig Gen (Sel) Goodwin – *his* superior commissioned officer?

Specifically, in his blogpost, Lt Col Dowty asks three questions directly impugning the integrity of Brig Gen (Sel) Goodwin – someone currently assigned as the Senior Military Advisor to the Secretary of the Air Force – that *assume* she lied or is a liar, to wit:

⁴ One might expect that as an AFA graduate himself [Class of 1999] and 18 year AF veteran, Lt Col Dowty would use the correct abbreviation for the rank of Brigadier General, *i.e.*, “Brig Gen.” I point this out only to demonstrate that accuracy apparently has little meaning for his blog rantings – again, generally irrelevant, until he crosses the legal line into defamation and apparent violations of the UCMJ.

⁵ She is also the Director of LGBTQ affairs for MRFF.

⁶ She was not, as noted above.

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1. “How did Col Goodwin – an open homosexual^[7] enter the Air Force without lying?”
2. “Is it ‘wrong’ to lie to enter the US military – or the Air Force, whose first core value is ‘integrity’?”⁸ and
3. “Is it wrong to ‘live a lie’ as a cadet under the Honor Code?”

As noted, while Lt Col Dowty’s blog attempts to hide behind the wall of anonymity, in the end he has not formally or publicly *denied* being the author of any of the social media outlets that expressly pointed the finger at him. Furthermore, his “disclaimers” (discussed in more detail below) do not protect him under the circumstances herein. A commissioned officer is both on duty 24 hours a day, and his/her conduct *and speech* are subject to both Article 89, UCMJ, and regulated as an “Officer and a Gentleman” under Article 133, UCMJ. This is in addition to a servicemember’s ongoing *legal* duty to obey lawfully promulgated regulations pursuant to Article 92, UCMJ.

Also, in this regard, MRFF respectfully urges you to consider his history in the context of his blogpost at issue herein. This is not an inadvertent post by a neophyte, junior officer or by someone who does not understand that he does *not* have unfettered discretion – especially as a field grade officer – to falsely and inappropriately attack other active duty servicemembers (especially his superior commissioned officers) because of *their* sexual orientation and *his* personal religious beliefs. Make no mistake, MRFF recognizes and agrees that Lt Col Dowty can believe whatever he believes in the name of his religion, in the Base Chapel, his house, or in the middle of a forest – but as a commissioned officer, he is *not free* to publicly attack, indeed falsely attack, another commissioned officer and ignore the DoD’s and AF’s diversity and equal opportunity programs and policies under the guise of *his* religion.

B. Legal.

While Lt Col Dowty as a citizen has basic First Amendment rights, as a uniformed, commissioned officer in our Armed Forces, those rights may be (and have been) circumscribed in ways inapplicable to civilians. The Supreme Court of the United States in a case styled as, *Parker v. Levy*, 417 U.S. 733 (1974), noted three principles as to why a servicemember’s First Amendment rights may *constitutionally* be limited:

⁷ What her current sexual orientation currently is, is quite irrelevant to anything, *except* Lt Col Dowty’s failure to grasp and apply the DoD’s and AF’s *mandatory* diversity policies and programs under the pretense of his intolerant, if not homophobic, religious beliefs, and the failure of his chain-of-command to ensure compliance with *official* diversity and equal opportunity policies.

⁸ One might logically question Lt Col Dowty’s “integrity” by accusing Brig Gen (Sel) Goodwin’ of lying, a crime under Title 18, U.S. Code § 1001, *without* either a good faith basis or a scintilla of evidence to corroborate his accusations. As noted above, in many jurisdictions, falsely accusing someone of committing a felony is *per se* defamation. Arguably, that is “Conduct Unbecoming” in violation of Article 133, UCMJ.

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- *First*, “This Court has long recognized that the military is, by necessity, a specialized society separate from civilian society.”⁹
- *Second*, “[The UCMJ] and the various versions of the Articles of War which have preceded it, regulate aspects of the **conduct** of members of the military which in the civilian sphere are left unregulated.”¹⁰
- *Third*,

While the members of the military are not excluded from the protection granted by the First Amendment, the different character of the military community and of the military mission requires a different application of those protections. The fundamental necessity for obedience, and the consequent necessity for imposition of discipline, may render permissible within the military that which would be constitutionally impermissible outside it.¹¹

Parker quoted with approval from *United States v. Gray*,¹² viz.:

Servicemen, like civilians, are entitled to the constitutional right of free speech. ***The right of free speech, however, is not absolute in either the civilian or military community*** [citations omitted]. . . . ***[S]imilar speech by a subordinate towards a superior in the military can directly undermine the power of command; such speech, therefore, exceeds the limits of free speech that is allowable in the armed forces.*** [Emphasis added]¹³

Returning to Lt Col Dowty’s uninformed and false comments about Brig Gen (Sel) Goodwin, set forth above, his statements *considered in total* can only be read to mean that she lied about her sexual orientation on her AFA entrance paperwork in 1989, and thereafter violated the AFA’s Honor Code by “living a lie.” While he has the *private and personal* right to harbor intolerant, if not bigoted, religious views of LGBTQ servicemembers, he does not have any *legal right* as an active duty officer to publicly preach his disrespectful views to an audience directed towards members of the U.S. Armed Forces. Such is a significant detriment to good order, morale, unit cohesion and discipline.

The Supreme Court has also specifically addressed this in the case of *Goldman v. Weinberger*,

⁹ 417 U.S. at 743.

¹⁰ *Id.* at 749 [emphasis added].

¹¹ *Id.* at 758.

¹² 42 C.M.R. 255 (CMA 1970).

¹³ *Id.* at 258.

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475 U.S. 503 (1986). There the Court reiterated the principles enumerated in *Parker*:

Our review of military regulations challenged on First Amendment grounds is far more deferential than constitutional review of similar laws or regulations designed for civilian society. The military need not encourage debate or tolerate protest to the extent that such tolerance is required of the civilian state by the First Amendment; to accomplish its mission the military must foster instinctive obedience, unity, commitment, and *esprit de corps*.¹⁴

The Court went on to state:

In the context of the present case, when evaluating whether military needs justify a particular restriction on religiously motivated conduct, courts must give great deference to *the professional judgment of military authorities* concerning the relative importance of a particular military interest.¹⁵

The “professional judgment” here is expressed in the promulgated *mandatory* diversity and equal opportunity policies, programs and regulations of both the DoD and the AF.

Lastly, consider the Supreme Court case of *Bolden v. Roy*, 476 U.S. 693, 699 (1986), where the Court observed as applicable herein, the following:

Our cases have long recognized a distinction between the freedom of individual *belief*, which is absolute, and the freedom of individual *conduct*, which is not absolute. [emphasis added].

As noted previously, the UCMJ contains numerous punitive (criminal) prohibitions regarding both the language and its context of Lt Col Dowty’s blogpost about Brig Gen (Sel) Goodwin. All merit a vigorous investigation by your office.

Lt Col Dowty’s published denigration and disrespect towards Brig Gen (Sel) Goodwin, by referring to her as a liar and Honor Code violator, violates at least *four* punitive provisions of the UCMJ, and it would appear that his chain-of-command may be guilty of *Dereliction of Duty*, under Article 92(3), UCMJ, by failing to ensure compliance the applicable regulations.

1. Article 89, UCMJ: *Disrespect Towards a Superior Commissioned Officer.*

“Disrespect” is behavior, *to include speech*, which detracts from the respect which is due to a superior commissioned officer. By referring to her as *either* Colonel Goodwin or Brig Gen (Sel) Goodwin, he *admits* that she is his “superior commissioned officer.” Thus, calling her a “liar” or

¹⁴ 475 U.S. at 507.

¹⁵ *Id.* Emphasis added.

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“Honor Code violator” *without a shred of evidence* corroborating those claims [evidence which does not exist because the claims are false], is not only disrespectful, but also defamatory under the circumstances. No person reasonably conversant in the English language could fail to see the overt disrespect displayed.

The *Manual for Courts-Martial* [MCM] (2012), discusses the “disrespect” component in detail:

Disrespectful behavior is that which detracts from the respect due the authority and person of a superior commissioned officer. ***It may consist of acts or language, however expressed***, and it is immaterial whether they refer to the superior as an officer or as a private individual. ***Disrespect by words*** may be conveyed by abusive epithets or other contemptuous or denunciatory language. Truth is no defense. ***Disrespect by acts includes*** neglecting the customary salute, or ***showing a marked disdain***, indifference, insolence, impertinence, undue familiarity, or other rudeness in the presence of the superior officer. [Emphasis added]¹⁶

It is important to point out here that the phrase “in the presence of the superior officer” in the last sentence of the above quotation *only* applies to “Disrespect by acts” and not the preceding clause discussing “disrespect by words.” However, even if one were to stretch the plain language of this, disrespectful words or conduct need not always be done “in the presence of the superior officer,” as the next paragraph in the MCM points out:

It is not essential that the disrespectful behavior be in the presence of the superior, but ordinarily one should not be held accountable under this article for what was said or done in a purely private conversation. [Emphasis added]¹⁷

Lt Col Dowty’s remarks were not only directed to Brig Gen (Sel) Goodwin, but they were directed to anyone in the *world* having internet access. Thus, he can hardly claim that this was a “purely private conversation” in an attempt to escape accountability for his disrespect.

2. Article 92, UCMJ: *Failure to Obey Order or Regulation.*

This statute reads in relevant part:

Any person subject to this chapter who—

(1) violates or fails to obey any lawful general order or regulation;

* * * * *

(3) is derelict in the performance of his duties;

¹⁶ MCM, Part IV, ¶ 13(c)(3).

¹⁷ *Id.* at ¶ 13(c)(4).

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shall be punished as a court-martial may direct.

A number of such regulations are applicable in this matter:

a. DoDD 1020.02E, *Diversity Management and Equal Opportunity in the DoD* (2016).

Paragraph 3(b)(1), of this Directive states that it ensures that “All Service members are afforded equal opportunity in an environment free from . . . unlawful discrimination on the basis of . . . sex (including gender identity), or sexual orientation.” Lt Col Dowty’s actions herein would appear to have clearly created such a hostile environment not only for Brig Gen (Sel) Goodwin, but also for all of MRFF’s LGBTQ clients at the AFA, especially the cadet clients.

Paragraph 4(b), of this Directive mandates that “. . . commanders and supervisors prominently post and enforce such policies and procedures.” Thus, your office is also respectfully requested to investigate *compliance* by Lt Col Dowty’s “commanders and supervisors.”

Just to make sure that everyone gets the point, the Directive’s *Glossary* (p. 14) defines “MEO” [Military Equal Opportunity] as:

The right of all Service members to serve, advance, and be evaluated based on only individual merit, fitness, capability, and performance in an environment free from harassment, *including sexual harassment*, and unlawful discrimination on the basis of race, color, national origin, religion, sex (*including gender identity*), or sexual orientation. [Emphasis in original]

b. AFI 1-1, *Air Force Standards* (2012).

This regulation begins by stating: “COMPLIANCE WITH THIS PUBLICATION IS MANDATORY.”¹⁸ It then states that:

This instruction is directive in nature and failure to adhere to the standards set out in this instruction can form the basis for adverse action under the Uniform Code of Military Justice (UCMJ).

That language triggers its enforceability under Article 92(1), UCMJ. Of import here, it goes on to state at ¶ 1.8:

Diversity is a military necessity. Air Force capabilities and warfighting skills are enhanced by diversity among its personnel. At its core, such diversity provides our Total Force an aggregation of strengths, perspectives, and capabilities that transcends individual contributions. Air Force personnel

¹⁸ All capital letters in original.

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who work in a diverse environment learn to maximize individual strengths and to combine individual abilities and perspectives for the good of the mission. Our ability to attract a larger, highly talented, diverse pool of applicants for service with the Air Force, both military and civilian, and develop and retain our current personnel will impact our future Total Force. [Emphasis added]

With that basic premise, AFI 1-1, goes on to discuss the precise scenario at issue herein at ¶ 2.15, entitled, “**Use of Social Media.**” This states in relevant part:

Compliance with the standards discussed in this instruction does not vary, and is not otherwise dependent on the method of communication used. You are personally responsible for what you say and post on social networking services and any other medium. Regardless of the method of communication used, *Air Force standards must be observed at all times, both on and off-duty.* [Emphasis added].

The next three subparagraphs all apply to Lt Col Dowty’s blogpost at issue here:

2.15.2. Your obligation to maintain appropriate communication and conduct with officer and enlisted personnel, peers, superiors, and subordinates (to include civilian superiors and subordinates) is applicable whether you communicate via a social networking service or other forms of communication, such as e-mail, instant messaging, or texting.

2.15.3. *You must avoid offensive and/or inappropriate behavior on social networking platforms* and through other forms of communication that could bring discredit upon on the Air Force or you as a member of the Air Force, or that would otherwise be harmful to good order and discipline, *respect for authority*, unit cohesion, morale, mission accomplishment, or the trust and confidence that the public has in the United States Air Force.

2.15.4. *Airmen who provide commentary and opinions on internet blogs* that they host or on others’ internet blogs, *may not place comments on those blog sites, which reasonably can be anticipated, or are intended, to degrade morale, good order, and discipline of any members or units in the U.S. Armed Forces, are Service-discrediting*, or would degrade the trust and confidence of the public in the United States Air Force. [Emphasis added]

Lt Col Dowty’s posting at issue herein in MRFF’s opinion, clearly flies in the face of these prohibitions and thus, a full and thorough investigation into this matter is appropriate. The “Comments” section following his blogpost is compelling evidence. Consider for example the following responses to his blogpost:

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“Are you still on active duty? Have you never heard of Punitive Articles of the UCMJ?

Article 133: (3) Examples of offenses.....using insulting or defamatory language to another officer in that officer’s presence or about that officer to other military persons; ...

I think you should contact JAG before you slander a superior officer; SUPERIOR both in rank and in character.

Thanks for the reminder that the ability to fly an airplane is proof of nothing special (I used to think differently), otherwise a godawful drooling moron like you wouldn’t be able to do such a thing.

I’m curious. What evidence do you have that she was an outed lesbian at the time of her entry? That she even knew she was lesbian? I assume you believe that no one is born a lesbian yes? So, I’m going to guess based on your beliefs, that everyone is really heterosexual by nature, but choose for “perverse” reasons to be homosexual yes? (Because why would a loving God create someone naturally homosexual and then ban it, correct?).

If I have it wrong, let me know.

But, assuming arguendo that is true, then I’ll ask, do you have some evidence to show she had made that “choice” prior to entry onto active duty? If you do not, then you just accused a senior officer of a crime with no evidence...which is a pretty ballsy violation of the UCMJ.

Not to mention that if you were truly tied to vows, you’d recognize that the organization that you choose to serve has said and mandated that all people of whatever sexual orientation are equally able to serve. So why haven’t you retired if you feel this strongly about gays in the military? Why compromise your religious beliefs and your vows in such a way?

c. AFI 36-7001, *Diversity* (2012).

Again, this regulation begins with the admonition that compliance is mandatory. Its stated purpose in ¶ 1.1, is in relevant part:

Air Force capabilities and war fighting skills are enhanced by diversity among its personnel. At its core, diversity provides our Total Force an

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aggregation of strengths, perspectives, and capabilities that transcends individual contributions. Air Force personnel who work in a diverse environment learn to maximize individual strengths and to combine individual abilities and perspectives for the good of the mission. Our ability to attract a larger, highly talented, diverse pool of applicants for service with the Air Force, both military and civilian, and develop and retain our current personnel will impact our future Total Force.

By publicly rejecting diversity within the AF, Lt Col Dowty is the antithesis of the AF's (and DoD's) diversity programs, policies and regulations.

With respect to his chain-of-command, ¶ 1.4.2.1., commands that AF leaders:

Ensure all qualified personnel are welcome in America's Air Force.

Brig Gen (Sel) Goodwin is clearly *not welcome* in Lt Col Dowty's AF!

The next paragraph, ¶ 1.4.2.2, goes on to mandate AF leaders to:

Educate and train all personnel on the importance of diversity, including mutual respect, thus promoting an Air Force culture that values inclusion of all personnel in the Total Force and views diversity and inclusion throughout the workforce as a force multiplier in accomplishing the Air Force mission.

Respectfully, your office needs to investigate *why* Lt Col Dowty continues to ignore or reject diversity, and why his superiors have not ensured his compliance with these AF regulations.

3. Article 133, UCMJ, Conduct Unbecoming an Officer and Gentleman.

The gravamen of this offense in this matter – even in an unofficial or private capacity – is that a *commissioned officer* should not engage in conduct (to include speech) which “seriously compromises the person’s standing as an officer.”¹⁹ Certain actions such as “unfair dealing . . . indecorum . . . [or] injustice”²⁰ may rise to the level of “Conduct Unbecoming,” something MRFF suggests is clearly demonstrated by the words, tenor, and context of Lt Col Dowty’s blogpost at issue. One example given in the MCM is “using insulting or *defamatory* language . . . about another officer to other military persons”²¹

By posting his derogatory remarks about Brig Gen (Sel) Goodwin, Lt Col Dowty dove head first into the cauldron of “Conduct Unbecoming.” His unproven (and false) suggestion that Brig Gen

¹⁹ MCM, Part IV, ¶ 59.

²⁰ *Id.*

²¹ MCM, Part IV, ¶ 59(c)(3).

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(Sel) Goodwin willfully lied in 1989 and Lt Col Dowty's decision to post his unfounded supposition on the internet for consumption by the world-wide public, including today's and tomorrow's Cadet Wing (student body) at the AFA, more than satisfies in MRFF's opinion, the definition of Conduct Unbecoming an Officer.

4. Article 134, UCMJ, *The General Article*.

Here, the applicable subsection is Clause 2, *i.e.*, "Conduct of a nature to bring discredit upon the armed forces."

Discredit" means to injure the reputation of. This clause of Article 134 makes punishable conduct which has a tendency to bring the service into disrepute or which tends to lower it in public esteem.²²

The fact that as of 31 March 2017, if one Googled the title of his screed, "BGen Kristin Goodwin and the USAFA Honor Code," Google shows approximately 2,290 "hits" or results discussing the blogpost. The fact that he refers to her as a "liar," as violating the AFA's cadet "Honor Code," and thus, "living a lie," attributing that to an AFA graduate, former Bomb Wing Commander and now the nominee for Commandant of Cadets at the AFA, with overt references to her sexual orientation, is respectfully in MRFF's view, "service discrediting," and merits investigation by your office.

CONCLUSION

As an aid to your investigation, may I suggest a Report by the Congressional Research Service, entitled, *Diversity, Inclusion, and Equal Opportunity in the Armed Forces: Background and Issues for Congress*, (2016),²³ both for background material and for information and historical background on DoD's protection of one's sexual orientation.

Referring publicly to one's superior commissioned officer as a "liar" is simply not acceptable in an environment that mandates "good order and discipline," obedience, and *esprit de corps*. MRFF respectfully suggests that Lt Col Dowty aggravated that situation significantly by ignoring the DoD and AF policies and regulations pertaining to diversity (to include sexual orientation) and equal opportunity by gratuitously referring to Brig Gen (Sel) Goodwin as a "known homosexual," and then throwing in his personal and intolerant religious dogma, by concluding his harangue as follows:

If nothing else, the contradictory complexity of society's relativistic morality lends even more support to the need for unchanging, absolute morality — that is, the Truth of Scripture.²⁴

²² MCM, Part IV, ¶ 60(c)(3).

²³ Available at: <https://fas.org/sgp/crs/natsec/R44321.pdf> [Last accessed: 31 March 2017].

²⁴ <http://christianfighterpilot.com/2017/03/27/bgen-kristin-goodwin-and-the-usafa-honor-code/> [Last accessed: (continued...)]

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The problem here is, *what* “Truth” from *whose* “Scripture?” It is this intolerance and overt refusal to accept the *official* DoD and AF policies that one’s sexual orientation, religious beliefs or non-beliefs, simply are not relevant to accomplishing the Air Force’s mission, utilizing the best talent available.

MRFF also takes issue with Lt Col Dowty’s false accusation that Brig Gen (Sel) Goodwin, was “living a lie.” Besides its falsity and disrespectful nature, it too is irrelevant *in context* even were it true. U.S. military history is replete with examples of courageous warriors who *in fact* were indeed “living a lie,” and putting that into the context here, respectfully demonstrates the utter fallacy of Lt Col Dowty’s claims.

For example, a young Irish immigrant named Jennie Irene Rodgers, upon hearing President Lincoln’s call for volunteers for the Union Army in 1862, disguised herself as a man and enlisted as “Private Albert Cashier” in the 98th Illinois Infantry. Ultimately assigned under General Grant’s forces, she fought in approximately 40 battles and at one point was captured by a Confederate unit, escaped and returned to Union lines. Upon the war’s end, “Cashier” was Honorably discharged and received a military pension.²⁵ While “living a lie,” the facts – as herein – proved that gender was irrelevant.

Or perhaps consider “Jack” Lucas, who at age 14, lied about his age and forged his mother’s signature to enlist in the U.S. Marine Corps during the early days of WW II. He earned the *Medal of Honor* for his actions during the battles to conquer Iwo Jima where a Japanese Army patrol ambushed him and 3 fellow Marines. When grenades were thrown at the Marines embedded in a trench, Lucas unflinchingly dove on top of the first one, grabbed the second one and tucked it under him as the first one exploded. Although gravely injured, his 3 comrades-in-arms were not and they eliminated the Japanese patrol. After 21 surgeries to treat his devastating injuries, he was medically discharged and some weeks later, awarded the *Medal of Honor* by President Truman.²⁶ While Lucas was certainly “living a lie” as well, it likewise was irrelevant.

The point of these two historical examples is not to present a lesson in military history. Rather, the point is that *if* Lt Col Dowty was really interested in exploring the concept of “living a lie” *vis-a-vis* military service (versus a gratuitous attack on his superior commissioned officer’s sexual orientation), he would (or should) have included examples such as Irene Rodgers or Jack Lucas *in the interests of diversity*.

In the end, MRFF suggests that the crux of this matter is a failure of leadership, *viz.*, Lt Col Dowty’s supervisory chain. That, however, does not excuse him from his actions – especially since he is also a product and graduate of the AFA, which presumably (if nothing else) teaches basic “good

²⁴ (...continued)
31 March 2017].

²⁵ See generally, https://en.wikipedia.org/wiki/Albert_Cashier [Last accessed: 1 April 2017].

²⁶ See generally, https://en.wikipedia.org/wiki/Jacklyn_H._Lucas [Last accessed: 1 April 2017].

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manners” towards one’s superiors. This is also why a comprehensive investigation by your office is warranted, if not mandated under the circumstances here.

What is particularly problematic to MRFF and its clientele in this matter, is the concept of “trust,” a core component of military effectiveness. For ground forces, one must trust their “Battle-Buddy;” in the military aviation community, one must trust their crew members, and fighter pilots must trust (and be trusted by) their “Wingman.” Lt Col Dowty’s false and intemperate comments make it clear that he would *not* trust Brig Gen (Sel) Goodwin as *his* wingman. Why? Not because of any deficiencies in her airmanship skills – she would not have been assigned as the commander of a strategic bomb wing were that the case. Nor can it be because of a lack of courage while flying – she would not have been promoted to the grade of O-6 and nominated for promotion to O-7, were that the case, much less being trusted with the mantles of a combat command. The inescapable conclusion is that Lt Col Dowty does not “trust” Brig Gen (Sel) Goodwin because of her sexual orientation.

That is hardly the message that the DoD and AF want to convey to young cadets or officers, much less the general public. Yet, that is the inescapable message that MRFF believes Lt Col Dowty’s blogpost conveys. A field grade officer who profoundly disagrees with *official* DoD and AF policies, programs, and regulations designed to ensure *diversity* and *equal opportunity* within the U.S. military community has two fundamental choices: (1) accept them; or (2) resign their Commission. But, an officer does *not* display contempt and disrespect for any reason to their superior, commissioned officer.

Furthermore, MRFF suggests that effective and efficient military leadership does *not* bury its head in the proverbial sand, so as to not “see” and thus, not “know” what their subordinates are doing on social media. Cf. AFI 1-1, ¶ 2.15.4, *supra*. The disrespect here is, as MRFF suggests, open, notorious and appears to be in direct violation of numerous regulations and the UCMJ.

To quote a line from an old Simon & Garfunkel song, “Silence like a cancer grows.”²⁷ The command silence, *i.e.*, “cancer” herein, must be investigated, examined and if necessary, excised for the good of the DoD. There is no other viable option.

You and your staff are authorized to communicate with me via email regarding this matter.

Respectfully submitted,

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

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²⁷ “The Sound of Silence,” (1964).