

May 18, 2017 Edition

## VOLUME II



# A CLEAR AND PRESENT DANGER:

The Threat to Religious Liberty  
in the Military



## Introduction

In 2013, Family Research Council grew increasingly concerned about various actions by the Obama administration's Department of Defense that curtailed the rights to religious freedom and expression enjoyed by members of the U.S. armed services for over two centuries. Once a cherished ideal, religious liberty became suddenly endangered. The brave men and women charged with defending our rights were the very citizens now threatened with losing the first, and most important of those foundational rights. Accordingly, FRC decided to chronicle these events in a publication first released in June, 2013 entitled, "A Clear and Present Danger: The Threat to Religious Liberty in the Military." Updated editions were released in subsequent years, with the last edition published in June, 2015.

With the departure of President Obama and the advent of President Trump's administration, we recognized the need to update our tracking of anti-religious actions being taken by the armed forces and the Veterans Administration. This second volume picks up in the summer of 2015, and describes major events that have transpired since then—including some that have occurred under the new administration.

One thing is clear. It is not necessarily the case that these vast bureaucratic agencies (the armed forces and the VA) will treat their employees' religious rights with greater respect merely because a Republican president is in the White House. These massive organizations will require the enormous effort and determination of like-minded individuals to restore and protect the religious freedom guaranteed to all Americans.

We are encouraged by President Trump's initial step of May 4, 2017. The signing of Executive Order 13798, intended to promote free speech and religious liberty, certainly gives us cause for hope in both the armed forces and the VA. But not all the news is encouraging. One of the most recent entries in the current edition involves the failed nomination of Tennessee State Senator Mark Green (M.D.). Senator Green is a decorated combat veteran, a physician, and a West Point graduate. He is also an evangelical Christian who was attacked viciously by the LGBT Left. As is typical of such matters, neither Republicans in the Senate nor Secretary of Defense James Mattis appear to have supported Senator Green rigorously.

Does this mean that no person publicly holding orthodox Christian beliefs on sexual morality, marriage, or abortion is capable of holding a government position requiring Senate confirmation? We shall see how the Trump administration takes on the bureaucrats entrenched from the previous administration, one for whom religious liberty seemed to be the privilege of the few, not the right of all.



A stylized, handwritten signature in black ink, appearing to read "W. Boykin".

Lt. Gen. (Ret.) William G. "Jerry" Boykin  
Executive Vice President, FRC

## **Air Force combat veteran Senior Master Sergeant Phillip Monk prosecuted by superiors because of his religious beliefs about marriage – July 2013 to October 2013; Retirement Ceremony – January 2015**

The case of Senior Master Sergeant Phillip Monk may be the most shocking example of religious persecution in the armed forces to date. A 19-year Air Force service member, Monk was relieved of his duties after he disagreed with his commander, Maj. Elisa Valenzuela, who openly identified as homosexual, when she wanted to severely punish an instructor who had expressed religious objections to homosexuality. Maj. Valenzuela told Monk that opposition to same-sex marriage constituted discrimination. When SMSgt. Monk disagreed, Valenzuela relieved Monk of his duties as First Sergeant for the unit. Monk was also placed on restricted liberty and was no longer permitted to be physically present in the unit's buildings or facilities located at Lackland Air Force Base in San Antonio, Tex.

News of these events became public in mid-August 2013. Shortly thereafter, SMSgt. Monk filed a formal complaint of religious discrimination against Maj. Valenzuela on August 20, 2013. In an August 27 meeting with an Air Force investigator, Monk and his attorney, Michael Berry of Liberty Institute, were told that Monk was under criminal investigation for violating Article 107 of the Uniform Code of Military Justice (UCMJ), making a false official statement. *Monk was read his Miranda rights at that time.* This step was puzzling because Monk had made no official comments on this matter, an essential element of an Article 107 violation. The Air Force had apparently acted in retaliation for Monk's religious discrimination filing against Valenzuela.<sup>1,2,3,4,5</sup>

On October 8, 2013, the Air Education and Training Command of the Joint Base San Antonio-Randolph issued a press release purporting to close SMSgt. Monk's case.<sup>6</sup> The command stated that it had conducted a thorough investigation and would not take any disciplinary actions against either Monk or Valenzuela. The command also stated that Monk's claim of religious discrimination was unsubstantiated.<sup>7</sup>

Notably, while admitting that SMSgt. Monk had been cleared of making a false statement under the UCMJ, the command smeared him by noting that Col. Camerer had individually concluded Monk had made false statements—but merely of a different type or lesser severity.

The investigation, initiated Aug. 15 by Col. Mark Camerer, 37th Training Wing commander at Joint Base San Antonio-Lackland, found the claim unsubstantiated. The investigation also looked into whether Senior Master Sgt. Phillip Monk made false official statements. It concluded statements he made were false; however, they did not rise to a level that violated Articles 107 and/or 134 of the Uniform Code of Military Justice.<sup>8</sup>

This official statement was untrue, and the Lackland officials who issued it must have known it to be false. We now have a copy of the October 1, 2013 memo that Col. Camerer issued to SMSgt. Monk regarding the official false statement allegation made against him. In the memo, Col.

Camerer informs Monk that his investigation is complete. First, he noted that the case's investigating officer (IO) had completed his report on September 16, 2013 and "determined that the allegation was unsubstantiated." Camerer then concluded the memo: "After reviewing [the investigation facts and report] on 29 September 2013, I concur with the IO." Camerer agreed that there had been no UCMJ-level false statements made by Monk. Also significant, Camerer made no claim that Monk had made *any* false statements whatsoever.

On October 9, SMSgt. Monk's attorneys (Liberty Institute) responded succinctly, "Liberty Institute disagrees with the Air Force's findings and conclusion. The Air Force's version of this story is not true."<sup>9</sup> According to Monk's legal counsel, SMSgt. Monk was officially advised on October 22, 2013 that both the discrimination and false statement investigations had been concluded with the charges having been found to be "unsubstantiated." There appears to have been no investigation into Maj. Valenzuela's behavior in this case.

Despite intense public and private pressure, SMSgt. Monk refused to yield. In February 2014, he was presented with the Meritorious Service Medal for his contributions to his country. He then retired from the U.S. Air Force on his own terms after twenty of years of distinguished, honorable service. FRC's own Lt. Gen. Jerry Boykin retired Sgt. Monk in a January 23, 2015 ceremony that also included Monk's pastor, Steve Branson. "The greatest shortage we have in America is courage," General Boykin said. "But the kind of courage that Phillip Monk showed... is the kind of courage of our founding fathers." In a fitting tribute, Aaron and Melissa Klein, the Oregon bakers who lost their bake shop over similar intolerance to their biblical beliefs, made the cake for the celebration.<sup>10</sup>

### **Navy threatens distinguished chaplain with Detachment for Cause and involuntary separation from Navy because he expressed the beliefs of his endorsing church during private spiritual counseling – February 17, 2015**

Lieutenant Commander Wesley Modder had been called a "national asset," and the "best of the best" among Navy chaplains.<sup>11</sup> However, on February 17, 2015, his commander, Captain Jon R. Fahs, recommended that Chaplain Modder (stationed at the Naval Nuclear Power Training Command in Goose Creek, S.C.) be Detached for Cause and involuntarily separated from the Navy after a small number of sailors criticized the religious content of Chaplain Modder's spiritual counseling.<sup>12</sup> Modder faced potentially career-ending consequences—which could have included the loss of his retirement benefits—for offering biblical counsel in a manner consistent with his sincerely held beliefs regarding faith, sexuality, and marriage. Chaplain Modder's counseling was at all times completely consistent with the requirements of his endorsing denomination, the Assemblies of God.<sup>13</sup> Before a final decision was rendered in the case, the Navy removed Chaplain Modder from his unit and isolated him at the base chapel, cut him off from his sailors, and forbade him from ministering to the spiritual needs of his sailors. His situation became dire, despite considerable popular and congressional support for his cause. As Chaplain

Modder's case seemed on a certain path to litigation before a Board of Inquiry, the Navy announced that it had come to view the case differently. On September 3, 2015, Rear Admiral David F. Steindl, commander of Navy Personnel Command and deputy chief of Naval Personnel, rejected all claims against Chaplain Modder and restored him to full service.<sup>14</sup>

### **Marine convicted at court-martial, sentenced to bad-conduct discharge and reduction in rank for displaying a Bible verse in her workplace – May 21, 2015**

In May 2013, while stationed at Camp Lejeune, N.C., Lance Corporal Monifa Sterling posted three small strips of paper with a printed Bible verse on them at her work-station as an expression of her faith.<sup>15</sup> Despite allowing other Marines to place personal messages and photos, Sterling's supervisor (who also happened to be her former drill instructor) demanded that she remove the Bible verse, using profanity to describe the scripture. Citing her First Amendment rights of free exercise of religion and free speech, Sterling asked why she had to remove her Bible verse while others were allowed to display their messages. Her supervisor responded that she "didn't like the tone," and later that day removed the verses and threw them in the trash. As a result, the Marine Corps charged and convicted Sterling with disobeying a lawful order. Sterling was also charged and convicted of other low-level misconduct.<sup>16</sup> At her court-martial, Sterling sought to invoke the Religious Freedom Restoration Act (RFRA), which provides due process when the government attempts to censor or restrict religious exercise. Without providing a written explanation, the judge refused to apply RFRA. Sterling then appealed her case to the Navy-Marine Corps Court of Criminal Appeals (NMCCA), which also declined to apply RFRA. The NMCCA ruled that Sterling's posting of a Bible verse was not a religious exercise.<sup>17</sup> Subsequently, she appealed her case to the Court of Appeals for the Armed Forces, which also rejected her claim.<sup>18</sup> That court erred by applying RFRA far too narrowly, thus leading it to wrongly affirm Sterling's conviction—a result with unfortunate consequences for religious liberty. Now, Sterling has petitioned the U.S. Supreme Court for review of her case.<sup>19</sup> The Court has not yet said whether it will review the matter, but FRC remains hopeful that it will take this occasion to present the lower courts with a better interpretation of RFRA.

### **Decorated Air Force veteran and invited participant assaulted and dragged out of a retirement ceremony over his expected use of the word "God" in a ceremonial flag-folding speech – April 3, 2016<sup>20</sup>**

Retirement ceremonies for those in the military typically carry great symbolic and personal significance. Such ceremonies often incorporate a flag-folding address that celebrates the history of the American flag and of the United States. Historically, it was traditional for the flag-folding speech to mention "God." However, in 2005 the Air Force introduced a completely secular version of the speech that removed the mention of God. Many military personnel prefer the older version of the speech. Not surprisingly, some service members have specialized in the delivery of the

flag-folding speech with self-styled scripts that mention and honor God. Oscar Rodriguez, Jr., a decorated, retired 33-year veteran of the Air Force, is one such individual.<sup>21</sup> To date, he has delivered at least one-hundred flag-folding speeches at civic and military events. Rodriguez always honors God when he delivers his remarks.

Master Sergeant (MSgt.) Charles Roberson decided to retire in April 2016 and have his retirement ceremony at the Building 185 Auditorium, Travis Air Force Base. MSgt. Roberson asked Mr. Rodriguez to participate in his retirement ceremony by offering his particular rendition of the flag-folding ceremony speech. Upon informing his superiors that he intended to have Mr. Rodriguez participate, Roberson encountered stiff resistance from his unit's commanding officer, Lt. Col. Michael A. Sovitsky. Roberson understood clearly from the negotiations he conducted with Sovitsky that his objection to Rodriguez centered on the latter's inclusion of "God" in his presentation. As one legal document filed by Mr. Rodriguez's attorney observes: "Retired MSgt Roberson and Mr. Rodriguez even went so far as to offer to place 'warning signs' on the auditorium doors explaining that the word 'God' would be uttered during the retirement ceremony."<sup>22</sup>

MSgt. Roberson could not reach an accommodation with his superiors for the manner in which his private retirement ceremony would be conducted. On April 3, 2016 when Rodriguez stood up during the Roberson retirement ceremony to offer his rendition of the flag-folding speech, Rodriguez was tackled by four uniformed Airmen who dragged him out of the ceremony and ejected him from the base. A recording of the physical attack on Rodriguez's person was uploaded to the Internet and went viral.<sup>23</sup>

In the months following Roberson's retirement ceremony, the Air Force has asserted that it did nothing wrong. But it has also failed to provide any legal authority that allows it to violently disrupt private, peaceful ceremonies due to any speech content contained therein. As Mr. Rodriguez's attorney points out in his June 20, 2016 letter:

When a private citizen is engaging in private speech, even on government property, including military installations, it is axiomatic that the government may not engage in viewpoint discrimination, in which it unconstitutionally censors or restricts speech based on the speaker's viewpoint or message. *Rosenberger* 515 U.S. at 828; see also *Cornelius v. NAACP Legal Def. & Educ. Fund*, 473 U.S. 788, 806 (1985) (viewpoint discrimination occurs when the government "denies access to a speaker solely to suppress the point of view he espouses on an otherwise includable subject.").<sup>24</sup>

Mr. Rodriguez and his counsel, First Liberty Institute, have yet to determine their next steps in the case.

## **Lt. Gen. Jerry Boykin barred from speaking at a First Infantry Division Prayer Breakfast commemorating the D-Day Invasion in Fort Riley, Kans.**

### **– June 6, 2016**

Family Research Council's executive vice-president, Lt. Gen. (Ret.) Jerry Boykin, had been invited to address a prayer breakfast at Fort Riley, Kans., home of one of the great American military units, the Army's First Infantry Division ("The Big Red One") on the 72nd anniversary of the June 6, 1944 Normandy landings. The Big Red One had a storied and bloody history on Omaha Beach, one of the most significant battlefields in world military history.

After suffering horrifying losses that day, the armed forces of the United States worked to gain a toe-hold on the European continent. Eventually, the blood and toil of Normandy would lead to the surrender of Nazi Germany in May 1945. Thus, it is to be expected that soldiers of the First Infantry Division would wish to praise and honor our Heavenly Father on the anniversary of that great victory while honoring those who were lost and wounded.

Lt. Gen. Boykin, one of the modern heroes of America's Special Forces community for, among other things, being one of the founding officers of the Army's Delta Force, was invited to address this gathering. Lt. Gen. Boykin is also a noted Christian speaker who has often been asked to address prayer breakfasts and other solemn gatherings.

After a complaint was filed by Mikey Weinstein, an activist who works against Christian religious expression in our armed forces, the D-Day prayer breakfast was cancelled by the First Infantry Division's commander, Maj. Gen. Wayne Grigsby. The Boykin appearance was widely anticipated by those at Fort Riley and the staff wondered whether there would be enough space to hold all those wishing to attend. After the controversy erupted, Fort Riley's spokesman blamed Boykin's dis-invitation on "a number of scheduling conflicts."<sup>25</sup>

The *Army Times* conveyed this same reason for cancellation, but it also provided additional information from Fort Riley:

The postponement stemmed from a scheduling conflict with other Victory Week events and not from the MRFF complaint, a 1st ID spokesman said Wednesday, adding that Boykin would not be invited back when the event eventually takes place "in an effort to ensure everyone in our broad and very diverse community feels welcome at any event on Fort Riley."<sup>26</sup>

If it were only a scheduling conflict, then why wouldn't Gen. Boykin have been invited back and why was the "very diverse community feels welcome" messaging included? Fort Riley's confused statement let the cat out of the bag—the cancellation was based on the content of Boykin's beliefs, not the calendar. Todd Starnes was given similar information by Fort Riley:

"Lt. Gen. (Ret) Boykin's credentials as a Soldier and leader speak for themselves and his 36 years of service to our nation are worthy of our respect," Chief Public Affairs NCO MSG Mike Lavigne told me in a statement. "However, in an effort to ensure everyone in our broad and very diverse community feels welcome at any event on Fort Riley, we will pursue the invitation of a different speaker for the prayer breakfast once it is rescheduled."<sup>27</sup>

That effort failed, and the event had to be cancelled.

Anti-religious activists had succeeded in denying the men and women of Fort Riley an opportunity to reflect on and honor the heroism of their storied division's great achievement on Utah Beach. On that day in June 1944, the Big Red One suffered over 1,100 casualties, including 184 killed in action, 713 wounded in action, and 277 missing in action.<sup>28</sup>

As Lt. Gen. Boykin told Todd Starnes of Fox News: "This is just another reminder of the incredible discrimination against Christians in our armed forces... This should tell you how difficult it is for Christians, and especially chaplains, to live their faith in our military."<sup>29</sup>

Todd Starnes noted that the event invitation was extended to Lt. Gen. Boykin on March 31, 2016. Mikey Weinstein filed his complaint on June 1, and the prayer breakfast was cancelled less than 24 hours later.<sup>30</sup> A year later, Fort Riley has yet to reschedule the cancelled event—indicating that the problems in the military go deeper than a change in presidential administrations can cure.

## **Football players for the U.S. Military Academy at West Point pray after a win against Temple and incur the wrath of the anti-religious left – Sep. 2, 2016**

After the Black Knights of the United States Military Academy at West Point defeated the much higher-ranked Temple University Owls at the Lincoln Financial Field in Philadelphia, the players and their head coach, Jeff Monken, decided to pray, and made the mistake of posting the moment on Facebook. Anti-religious expression activist Mikey Weinstein then launched into action, informing West Point's Superintendent, Lt. Gen. Robert Caslen, that the prayer had taken place.<sup>31</sup> Soon thereafter, the video of the prayer was removed from the school's Facebook page. The school then edited out the prayer and put a new video on Facebook.<sup>32</sup>

Caslen told *The Washington Post* that though he guessed 90 percent of people supported the prayer, there were "valid concerns" about it constituting an establishment of religion under the First Amendment. He stated that leaving the video online would have been like "grinding the salt into the wound."<sup>33</sup> Consistent with past complaints, Weinstein didn't identify those who believed their rights had been violated. In fact, the prayer was entirely voluntary—and those who participated in it were themselves censored. Lt. Gen. Caslen requested Coach Monken apologize



to his team, and required him to participate in a session with the West Point athletic director in an effort to “reeducate” him on how to avoid partiality in his role as head coach.<sup>34</sup>

This appears to have been the end of the controversy, with no indication that Coach Monken was punished (especially after his end-of-year victory over Navy), or that post-game prayers were barred. These are positives for the Academy staff. But it must be noted that the First Amendment guarantees the right of Americans—including West Point football players and coaches—to express their thoughts and beliefs in ways that include prayer. The mere fact that someone works for the federal government civil service, serves in the military, or receives a federal grant does not mean that they must check their sincerely held religious beliefs at the door.

### **Pease Air National Guard Base in New Hampshire targeted for allowing uniformed chaplain invocations – February 14, 2017**

In mid-February 2017, the Freedom From Religion Foundation (FFRF) publicly targeted the New Hampshire Pease Air National Guard Base for allowing uniformed chaplains to deliver invocations at official events. FFRF claimed that Pease was violating the Establishment Clause of the First Amendment when it allowed such prayers because it was lending its governmental “power and prestige” to religion.<sup>35</sup> Additionally, FFRF asserted that such actions created a “hostile work environment” for non-religious or minority-religion airmen.

In making its case, FFRF relied on statistics presented by Jason Torpy of the Military Association of Atheists and Freethinkers (MAAF) who met with White House officials in 2010, claiming that 23.4 percent of active duty service members were “non-theists.” They argued that “non-theists” outnumbered Hindus, Jews, Buddhists, and Muslims.<sup>36</sup> However, the numbers MAAF presented were reached by adding together declared (1) atheists, (2) agnostics, and those with (3) “no religious preference.” The last category is one in which respondents didn’t specify whether or not they were “theists” of any sort.

The story gained extensive notoriety nationally, and in response, Mike Berry, Senior Counsel and Director of Military Affairs for First Liberty Institute, sent a letter to Col. James P. Ryan, commander of the 157th Air Refueling Wing at Pease.<sup>37</sup> Berry instructed that when “military chaplains engage in religious conduct, their conduct is protected under the First Amendment to the Constitution.”

Pease’s Lt. Col. Greg Heilshorn noted that the New Hampshire National Guard did not respond to any outside party. Rather, he indicated that invocations and prayers conducted by uniformed chaplains were to continue unabated, “The New Hampshire National Guard’s position is that we will continue as we’ve always done with the use of prayer in a variety of ceremonies, both in the Air National Guard and Army National Guard.”<sup>38</sup> “Participating in the invocations or prayers during those ceremonies [is] completely voluntary,” and though troops are in formation, they can

choose to not participate by not bowing their heads or standing silently at ease. He also stated that there are no repercussions for troops who choose to not participate.

## **Department of Defense adds “humanism” to list of protected beliefs – March 27, 2017**

Over a month after the situation at the Pease Air National Guard base (see above), the Department of Defense issued a memorandum that added a stunning 100 “Faith and Belief Codes” to its list of protected beliefs, bringing the total to 221.<sup>39</sup> This increase was based on the recommendation of the Armed Forces Chaplains’ faiths, *show a commitment to abandon the outdated concept of a god-or-bust chaplaincy*<sup>40</sup> (emphasis added).

## **Secretary of Army nominee withdraws after mounting pressure over his religious and personal beliefs – May 5, 2017**

After President Trump’s first nominee for Secretary of the Army, Vincent Viola, withdrew his name from consideration, the president selected Tennessee state senator Mark Green as his nominee. Secretary of Defense James Mattis was quick to praise the selection. Senator Green was a West Point graduate and Army Ranger who later became a physician. Senator Green became a Special Operations flight surgeon and participated in the mission to capture Saddam Hussein. In an April 17, 2017 statement, Mattis stated: “Mark will provide strong civilian leadership, improve military readiness and support our service members and their families.”<sup>41</sup> However, opposition to Dr. Green began to mount when his conservative Christian beliefs came to light. LGBT advocacy groups, including the Human Rights Campaign and the American Military Partner Association, were among the most vocal, calling Trump’s pick “appalling” with a “virulently homophobic track record.”<sup>42</sup> Among previous public statements of Dr. Green were those indicating his opposition to same-sex marriage and transgender bathrooms. The Council on American-Islamic Relations (CAIR)<sup>43</sup> also announced its opposition to Green’s nomination.<sup>44</sup> Citing an appearance before a Tea Party group in which he opposed the teaching of Islam in public schools, Senate Democrats, including Sens. Joe Donnelly (D-Ind.), Elizabeth Warren (D-Mass.), Charles E. Schumer (D-N.Y.), Patty Murray (D-Wash.), and Tammy Baldwin (D-Wis.), began their own campaign against Dr. Green, relying often on the advocacy work of left-wing organizations.

Green was finally forced to issue a public statement of withdrawal as liberal pressure mounted against him: “Tragically, my life of public service and my Christian beliefs have been mischaracterized and attacked by a few on the other side of the aisle for political gain,” Green said. “While these false attacks have no bearing on the needs of the Army or my qualifications to serve, I believe it is critical to give the President the ability to move forward with his vision to restore our military to its rightful place in the world.”<sup>45</sup> After his withdrawal, Sen. Schumer applauded Green’s decision, stating it was good news for all Americans, “especially those who

were personally vilified by his disparaging comments toward the LGBTQ community [and] Muslim community.”<sup>46</sup> As of the time of this report (May 15, 2017), 57 critical Department of Defense positions that require Senate approval sit vacant—including Secretary of the Army.

### **Bibles being removed from various facilities and settings including POW-MIA Missing Man table displays – Summer 2015 to the present<sup>47</sup>**

The removal of Bibles from DOD and Veterans Administration facilities continued to be the focus of activities by those opposed to religious expression in government facilities or by government employees:

- April 2016 – A Bible was removed from a POW-MIA Missing Man table display at Wright-Patterson Air Force Base (DOD);<sup>48</sup>
- April 2016 – Bibles were removed from both the Akron and Youngstown, Ohio Veterans Administration facilities;
- September 2016 – A Bible was removed from the waiting room of the Allergy and Immunization Clinic at Eglin Air Force Base (DOD);
- October 2016 – A Bible was removed from a medical waiting room at the Chillicothe, Ohio Veterans Administration Medical Center.

### **Veterans Administration Guidance – August 19, 2016**

One positive development during this two-year period was the Veteran Administration’s issuance of an update document on religious expression in its facilities. For example, it explicitly allowed for outside groups to set up POW-MIA tables with the permission of the head of the facility.<sup>49</sup>

## Endnotes

<sup>1</sup> Todd Starnes, "Airman Punished for Objecting to Gay Marriage," Fox News Radio, August 14, 2013, accessed May 15, 2017, <http://radio.foxnews.com/toddstarnes/top-stories/airmen-punished-for-objecting-to-gay-marriage.html>.

<sup>2</sup> Michael Berry, Liberty Institute, "Request for Redress of Grievances under Article 138, UCMJ," to Elisa Valenzuela (Major, USAF), August 20, 2013.

<sup>3</sup> Todd Starnes, "Airman Punished for Opposing Gay Marriage Files Complaint," Townhall.com, August 20, 2013, accessed May 15, 2017, <http://townhall.com/columnists/toddstarnes/2013/08/20/airman-punished-for-opposing-gay-marriage-files-complaint-n1668889>.

<sup>4</sup> Ken Klukowski, "Christian Airman Punished by Lesbian Commander Faces Possible Court Martial," Breitbart, September 6, 2013, accessed May 15, 2017, <http://www.breitbart.com/Big-Peace/2013/09/06/Christian-Airman-Punished-by-Lesbian-Commander-Now-Charged-with-Crime-for-Talking-to-Media-Court-Martial-Possible>.

<sup>5</sup> Tony Perkins Interview of Michael Berry (Liberty Institute), Washington Watch Radio, September 6, 2013, <http://www.frc.org/wwlivewithtonyperkins/frank-gaffney-jack-hibbs-mike-berry-steve-scalise>.

<sup>6</sup> United States Air Force, "Investigation into Lackland's Sergeant's Claim of Improper Removal Concludes," press release, October 8, 2013, <http://www.libertyinstitute.org/document.doc?id=108>.

<sup>7</sup> Oriana Pawlyk, "AF: Religious Intolerance Claim Unsubstantiated," *Military Times*, October 11, 2013, accessed May 16, 2017, <http://www.militarytimes.com/story/military/line-of-sight/2013/10/11/nicholas-oresko-laid-to-rest/32183597/>.

<sup>8</sup> United States Air Force, press release, October 8, 2013.

<sup>9</sup> First Liberty Institute, "Liberty Institute Responds to Air Force's Allegation that SMSgt Monk is a Liar," press release, October 9, 2013.

<sup>10</sup> "Saluting Sergeant Monk...", Tony Perkins' Washington Update, January 27, 2015, accessed May 16, 2017, <http://www.frc.org/updatearticle/20150127/saluting-sergeant-monk>.

<sup>11</sup> "Victory: Navy exonerates Chaplain Wes Modder, disapproves career-ending punishment," First Liberty Institute, accessed May 16, 2017, <https://firstliberty.org/cases/chaplainmodder/#simple1>. First Liberty provided Chaplain Modder's legal representation, and it has summarized Modder's military career as follows:

During his service in the United States Marines, Modder served in Operation Desert Shield and Desert Storm in Saudi Arabia. He earned a doctorate in Military Ministry and has served as a Navy chaplain for 15 years. As the Force Chaplain for Navy Special Warfare Command, Chaplain Modder was entrusted with the spiritual wellbeing of Navy SEALs; the Navy's most elite warriors. Chaplain Modder deployed multiple times to support Navy SEALs during high-profile operations around the globe between June 2008 and June 2010.

<sup>12</sup> As First Liberty notes "Detached for Cause" is a term of art which "is the military equivalent of being terminated for cause, and removed from [one's] unit."

<sup>13</sup> Chaplain Alliance for Religious Liberty, "Congress comes to Defense of Chaplain Wes Modder," press release, March 31, 2015, <http://chaplainalliance.org/site/wp-content/uploads/2015/03/2015-03-31-Chaplain-Alliance-News-Release.pdf>.

<sup>14</sup> Commander, Navy Personnel Command to Commanding Officer, Naval Nuclear Power Training Command, September 3, 2015, Department of the Navy, Personnel Correspondence, <https://firstliberty.org/wp-content/uploads/2016/01/Modder-NPC-Letters-3-SEP-15-REDACTED.pdf>.

<sup>15</sup> Isaiah 54:17, "No weapon formed against you shall prosper," had always been one of her favorite Bible verses. In May 2013, she printed the verse and taped it in her workstation in three places—most prominently along the top of her computer monitor.

<sup>16</sup> Dan Lamothe, "After court-martial, this marine cites religious freedom in her continued legal fight," *The Washington Post*, May 21, 2015, accessed May 16, 2017, <http://www.washingtonpost.com/news/checkpoint/wp/2015/05/21/after-court-martial-marine-cites-religious-freedom-in-continued-legal-fight/>.



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- <sup>17</sup> "Court-Martialed! Marine Criminally Prosecuted by the U.S. Government for Displaying a Bible Verse in her Workspace," First Liberty Institute, May 21, 2015, accessed May 16, 2017, <https://firstliberty.org/newsroom/court-martialed-marine-criminally-prosecuted-by-the-u-s-government-for-displaying-a-bible-verse-in-her-workspace/>.
- <sup>18</sup> *United States v. Sterling*, 78 M.J. 407 (2016), <http://firstliberty.org/wp-content/uploads/2016/04/Sterling-Opinion.pdf>.
- <sup>19</sup> Petition for a Writ of Certiorari, *Sterling v. United States*, U.S. No. 16-814 (2016), <http://www.scotusblog.com/wp-content/uploads/2017/01/16-814-cert-petition.pdf>.
- <sup>20</sup> "Exclusive Video: Veteran Forcibly Dragged from Air Force Ceremony for Mentioning God," Breitbart, June 20, 2016, accessed May 16, 2017, <http://www.breitbart.com/big-government/2016/06/20/exclusive-video-veteran-forcibly-dragged-air-force-ceremony-saying-god/>.
- <sup>21</sup> Flag-Folding Speech Delivered by Oscar Rodriguez – Transcript, [https://firstliberty.org/wp-content/uploads/2016/06/Flag-Speech\\_Transcript\\_-Oscar-Rodriguez.pdf](https://firstliberty.org/wp-content/uploads/2016/06/Flag-Speech_Transcript_-Oscar-Rodriguez.pdf).
- <sup>22</sup> Michael Berry, Esq., First Liberty Institute to Major General John C. Flournoy, Jr. and Colonel Raymond A. Kozak, United States Air Force, June 20, 2016, <https://firstliberty.org/wp-content/uploads/2016/06/FINAL-Oscar-Rodriguez-Demand-Ltr-6.20.16.pdf>.
- <sup>23</sup> Video of Mr. Rodriguez's forced removal can be viewed at: "Air Force Veteran Oscar Rodriguez Assaulted over the Word 'God,'" YouTube.com, June 20, 2016, accessed May 16, 2017, <https://www.youtube.com/watch?v=xCq72AGIJlw>.
- <sup>24</sup> Berry, p. 3.
- <sup>25</sup> Todd Starnes, "Boykin Bounced: Fort Riley Cancels Delta Force Hero's Prayer Breakfast Speech," Fox News, June 2, 2016, accessed May 16, 2017, <http://www.foxnews.com/opinion/2016/06/02/boykin-bounced-fort-riley-cancels-delta-force-heros-prayer-breakfast-speech.html>.
- <sup>26</sup> Kevin Lilley, "Retired 3-star demands apology to Fort Riley soldiers for prayer breakfast cancellation," *Army Times*, June 3, 2016, accessed May 16, 2017, <https://www.armytimes.com/story/military/2016/06/03/retired-3-star-demands-apology-fort-riley-soldiers-prayer-breakfast-cancellation/85362428/>.
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- <sup>28</sup> John C. Macmanus, *The Dead and Those about to Die: D-Day – the Big Red One at Omaha Beach* (New York: NAL Caliber, 2014), 292.
- <sup>29</sup> Starnes, Fox News, June 2, 2016.
- <sup>30</sup> *Ibid.*
- <sup>31</sup> According to the *Army Times*, the video "went up Saturday evening on the school's official athletics Facebook page and had about 180 comments and 1,600 shares by Sunday morning, according to an archived version of the post that does not include the video." Kevin Lilley, "West Point launches inquiry into football team's postgame prayer," *Army Times*, September 8, 2016, accessed May 16, 2017, <https://www.armytimes.com/articles/army-west-point-football-prayer-jeff-monken-mikey-weinstein>.
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- <sup>34</sup> Jonah Bennett, "West Point To Crack Down On Prayer At Games, Forces Coach To Apologize," *The Daily Caller*, September 12, 2016, accessed May 16, 2017, <http://dailycaller.com/2016/09/12/west-point-to-crack-down-on-prayer-at-games-forces-coach-to-apologize/>.
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<sup>38</sup> Jennifer Currier, "N.H. National Guard to Keep Prayers at Ceremonies Despite Complaint, 'unsolicited' Letters," NH1.com, March 24, 2017, accessed May 16, 2017, <http://www.nh1.com/news/nh-national-guard-to-keep-prayers-at-ceremonies-despite-complaint-unsolicited-letters/>.

<sup>39</sup> Office of the Assistant Secretary of Defense, "Faith and Belief Codes for Reporting Personnel Data of Service Members," memorandum, March 27, 2017, <http://americanhumanist.org/wp-content/uploads/2017/04/Faith-and-Belief-Codes-for-Reporting-Personnel-Data-of-Service-Members.pdf>.

<sup>40</sup> "Military Chaplains Embrace Diversity Including Humanism," Military Association of Atheists and Freethinkers, April 20, 2017, accessed May 16, 2017, <http://militaryatheists.org/news/2017/04/military-chaplains-embrace-diversity-including-humanism/>.

<sup>41</sup> U.S. Department of Defense, "M Mattis Praises Mark E. Green's Nomination as Next Army Secretary," press release, April 10, 2017, <https://www.defense.gov/News/Article/Article/1145760/mattis-praises-mark-e-greens-nomination-as-next-army-secretary/>.

<sup>42</sup> Dan Lamothe, "LGBT advocates launch effort to block Trump's 'appalling' Army secretary nominee," *The Washington Post*, April 11, 2017, accessed May 16, 2017, <https://www.washingtonpost.com/news/checkpoint/wp/2017/04/11/lgbt-advocates-launch-effort-to-block-trumps-appalling-army-secretary-nominee/>.

<sup>43</sup> Since its founding in 1993, the U.S. government has known that CAIR is an offshoot of the Muslim Brotherhood's Palestinian franchise, Hamas.

<sup>44</sup> Council on American-Islamic Relations, "CAIR: Muslim Civil Rights Group Opposes Confirmation of Mark E. Green as Army Secretary," press release, April 12, 2017, <https://www.cair.com/press-center/press-releases/14271-cair-muslim-civil-rights-group-opposes-confirmation-of-mark-e-green-as-army-secretary.html>. It should further be noted that CAIR has been designated as a terrorist group by the United Arab Emirates.

<sup>45</sup> Dan Lamothe, "Mark Green withdraws as trumps army secretary nominee citing 'false and misleading attacks,'" *The Washington Post*, May 5, 2017, accessed May 16, 2017, [https://www.washingtonpost.com/news/checkpoint/wp/2017/05/05/mark-green-withdraws-as-trumps-army-secretary-nominee-citing-false-and-misleading-attacks/?utm\\_term=.72816d6e03dd](https://www.washingtonpost.com/news/checkpoint/wp/2017/05/05/mark-green-withdraws-as-trumps-army-secretary-nominee-citing-false-and-misleading-attacks/?utm_term=.72816d6e03dd).

<sup>46</sup> Ibid.

<sup>47</sup> There were a number of Bible removal incidents in the pre-June 2015 edition of this report: (1) In September 2011, the announcement of a policy banning the distribution of religious material at the Walter Reed National Military Medical Center in Washington, D.C. (the policy was quickly reversed); (2) In March 2014, Patrick AFB removed an entire MIA/POW Missing Man Table; (3) In August 2014, the Navy Exchange Service Command (NEXCOM) issued an order to remove Gideon Bibles from Navy Lodge rooms and take them to donation centers; after a public backlash, the Navy announced that the Bibles in the rooms would remain while the policy was reviewed. Bibles have not been removed from Navy Lodge rooms to date.

<sup>48</sup> Victoria Voelkel, "Missing Man Honors Table History," The National League of POW/MIA Families, accessed May 16, 2017, <http://www.pow-miafamilies.org/missing-man-honors-table-history.html>.

<sup>49</sup> Department of Veterans Affairs, "Update of Policy Guidance on Religious Exercise and Expression in VA Facilities and Property Under the Charge and Control of VA, dated November 7, 2014 (VAIQ 7718000)," memorandum, August 19, 2016, <https://www.diversity.va.gov/policy/files/rel-exp-memo-2016-update.pdf>.





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