

Congress of the United States
Washington, DC 20515

July 1, 2020

The Honorable Mark T. Esper
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Esper,

While we appreciate the Army's response to our letter dated May 14, 2020, we are discouraged to learn that the Army is not only standing behind the decisions of commands that have restricted the religious liberty of their chaplains and servicemembers, but the Army and the Department of Defense (DoD) are also supporting these actions and guiding commands' responses to the aggressive demands of the Military Religious Freedom Foundation (MRFF) and Mikey Weinstein. The mixed messages we have received from DoD officials over the past month and the Navy's recent order that seeks to keep servicemembers and chaplains from worshipping indoors while continuing to allow other gatherings signals a pervasive and dangerous misapplication and misunderstanding of Federal law.

Given the years-long record of the DoD's actions in contradiction with Federal law protecting religious liberty, it is clear to us that the DoD has either willfully ignored or is unaware of its obligations to protect the religious freedom of its servicemembers. Despite the several letters members of Congress, legal organizations, and faith groups have sent the DoD explaining its obligations, we continue to witness failures to correctly apply Federal law protecting the religious freedom of our brave men and women in the military. In fact, in the Army's letter postmarked June 11, 2020, we were told that the Army has "developed and implemented comprehensive policies and training concerning religious freedom." If that is true, why do we continue to hear from members of the military legal and chaplain communities that no such training exists?

To further highlight the scope of the DoD's fundamental misunderstanding of Federal protections concerning religious liberty, the Navy recently issued an order prohibiting servicemembers and chaplains from attending off-base religious services indoors while allowing social gatherings of any size. While we can all agree that the health and safety of our troops is critical during the ongoing public health crisis, singling out religious gatherings while allowing other activities and unrestricted social gatherings to take place is unlawful. To enforce that prohibition under threat of court-martial is **unconscionable** and provides yet another example of why change is sorely needed at the Pentagon.

Those at the highest echelons of our military must prioritize protecting the rights and freedoms of servicemembers, just as those servicemembers fight to protect those freedoms for all Americans. We were encouraged following a conversation with Undersecretary of Defense for Personnel and Readiness Matthew Donovan on June 12, 2020, that signaled receptiveness to our concerns regarding the DoD's handling of the barrage of anti-faith claims made against chaplains by Mikey Weinstein and his organization, the MRFF. During that conversation, USD Donovan noted that a dialogue including members of Congress, judge advocate generals (JAGs), military chaplains, and DoD officials would be beneficial to the understanding and application of Federal law in cases involving religious liberty. Unfortunately, neither USD Donovan nor his staff were aware of the Army's response letter postmarked the day prior to that conversation and no action has since been taken to set up such a meeting.

In light of the recent Navy order and the DoD's unwillingness to take responsibility for its failure to enforce religious liberty protections for our troops, we request that you or your office – not the Army or the Navy – produce the following no later than July 31, 2020:

1. A detailed explanation of the “comprehensive policies and training concerning religious freedom” mentioned Army's letter postmarked June 11, 2020;
2. An explanation of how and when such guidance is circulated;
3. An explanation on how the decisions were made in the cases outlined in our May 14, 2020, letter;
4. An explanation of the Navy's recent unlawful order.

Additionally, we request that you schedule a meeting with members of Congress, JAGs, military chaplains, and DoD officials no later than July 31, 2020, to discuss the steps that need to be taken to protect the religious freedom of our servicemembers.

In the meantime, to aid in future decisions regarding religious liberty cases, we have attached to this letter the suite of Federal laws, DoD regulations and guidance, and other executive resources protecting and explaining the religious freedom of servicemembers.

Thank you for your prompt attention to this matter.

Sincerely,



Doug Collins
Member of Congress



Doug Lamborn
Member of Congress

cc: Chief of Staff Mark Meadows