

**From:** Mikey Weinstein <mikey@militaryreligiousfreedom.org>  
**Sent:** Wednesday, December 19, 2007 4:19 PM  
**To:** JD  
**Subject:** Re: MRFF vs. CCC

...sigh.....JD with no disrespect intended, the Judge specifically did NOT dismiss with prejudice ON THE MERITS of our causes of action NOR our plaintiffs.....that is why, based on what the Judge DID say, we were able to garner the six-figure pro bono legal help of one of the most prestigious and powerful Law firms in Wash. D.C., Wilmer Hale, as they crafted a lengthy legal memorandum which serves now as the blueprint for our current and nearterm additional piece(s) of litigation with MANY of the same basic Constitutional claims; to wit, we are going to show a pervasive and pernicious pattern and practice of Constitutional rape by the DoD of the basic Constitutional religious freedoms guaranteed to our honorable and noble U.S. military members.....and WE WILL WIN!!!..we have a zillion more plaintiffs and a zillion more amazing piece of evidence.....sleep well tonight, JD, MRFF is on the job and protecting YOUR most cherished Constitutional rights from those who would eviscerate them.....you hit no nerve other than your own misperception "nerve".....your apology is accepted and fully appreciated.....lastly, you may find it useful, if not to some degree ironically illuminating JD, to know that of the now over 6,500 active duty sailors, soldiers, marines and airmen who've come to our MRFF as spiritual rape victim tormentees, 96% of our clients are CHRISTIANS THEMSELVES; generally 3/4 Protestant and 1/4 Roman Catholic.....the remaining 4% are generally, Islamic, Jewish, Buddhist, Hindu, Wiccan, Atheist or Agnostic.....re: the last line of your last e-mail, it would seem that THAT stat is, indeed, "something important".....  
On Dec 19, 2007, at 2:47 PM, JD wrote:

Mr. Weinstein,

*"it was NOT dismissed with prejudice regarding the allegations on their respective merits..."*

From various news sources that quoted the decision:

"Plaintiffs have simply not shown that they will suffer an injury in fact that is both concrete and particularized and actual or imminent..." Some of the allegations were even called "simply conjectural and hypothetical in nature."

From your own blog:

"We will refile our lawsuit as quickly as possible..."

It was dismissed. You didn't re-file. You filed a new, completely different lawsuit in a new jurisdiction over a year later. Did I hit a nerve?

"Racist?" You've got to be kidding. I believe in the intrinsic value of all people, regardless of the alignment of our personal, political, or other views. You see a slight (with a wild and incalculable extrapolation) where none was intended. Nonetheless, I apologize for the offense. It was not intended.

I still look forward to a reply that eschews personal derision and actually talks about the issues the two of us are actually concerned about: religious freedom in the military. Let me know if you're actually interested in talking about something important.

JD

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**From:** Mikey Weinstein [<mailto:mikey@militaryreligiousfreedom.org>]  
**Sent:** Wednesday, December 19, 2007 12:42 PM  
**To:** JD  
**Subject:** Re: MRFF vs. CCC

...tut, tut, tut, my dear JD.....it was NOT dismissed with prejudice regarding the allegations on their respective merits at ALL!!!!...and we ARE now back in Federal Court in Kansas City with a MUCH more powerful lawsuit.....please drop by the house and I'll let you drive any of my cars....including my beat up 2000 Hyundai Tiberon, which is by FAR my favorite....,"in it for the money"???.....I won't even stoop to address the thinly veiled pathetic attempt at stereotype degregation.....well, let's just say I "got" your little racist message there, Champ.....can't you do any better than THAT???!.....inDEED, irony DOES abound.....your adhominem slanders and calumnies are reflective of the Constitutional ignorance which inundates you.....now THAT"S true irony.....Mikey

On Dec 19, 2007, at 1:21 PM, JD wrote:

Mr. Weinstein,

My replies were "specious" and "sophomoric?" I thought name-calling went out in the third grade. I would have liked to see you address the issues themselves, but I suppose delusive accusations are difficult to defend.

*"and your founding of the "Christian Fighter Pilots Association" must bring great pride and joy to you"*  
- I did not found such an organization, nor am I aware of the existence of one. If you are, please let me know. Sounds interesting.

*"I...wish...you...HAD...the slightest nuance of a faint clue about the sworn oath you took to protect and defend, support and to serve a document you seem to know as much about as you likely know about performing brain surgery."*

- That's an awfully strongly worded allegation (and it contradicts your previous statement of my service). Would you like to detail why you would make such a sensational accusation? I suspect not. I have yet to get a reply from you that says much more than "you're stupid and wrong." Maybe one day you can get past personal denigration and actually talk about the issues.

I may only be a lowly civil servant, but I wasn't the one who had his "landmark civil rights lawsuit" tossed out with prejudice, then failed to deliver on my promise to immediately refile to overcome the "technicality." Of course, I've never driven a Lotus, so maybe I'm in the wrong line of work. Then again, I'm not in it for the money.

I defend daily *your* freedom to attempt to restrict *my* Constitutional religious freedoms. Irony abounds. Enjoy it.

JD

  
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**From:** Mikey Weinstein [<mailto:mikey@militaryreligiousfreedom.org>]  
**Sent:** Wednesday, December 19, 2007 7:23 AM  
**To:** JD  
**Subject:** Re: MRFF vs. CCC

....hey, JD, good to hear from you again anyway.....ahhhhh, if ONLY "JD" stood for "Juris Doctorate".....alas, it does not and it SHOWS quite balatantly, bro.....every single one of your "retorts" is specious, as a matter of law, at best, my friend.....at worst, they are sophomoric and simply wrong in the extremis .....it DOES seem that you have much time on your hands these days.....plz do enjoy this surfeit of spare time and I wish you a very Merry Xmas.....perhaps we'll meet at the Federal Court trial in Kansas City???!.....I'll buy you a burger and fries during a lunch break and you can buy dessert.....???!.....in any event, good sir, I thank you for your service to your country.....and your founding of the "Christian Fighter Pilots Association" must bring great pride and joy to you, eh???!.....I just wish, again, that you really HAD even the slightest nuance of a faint clue about the sworn oath you took to protect and defend, support and to serve a document you seem to know as much about as you likely know about performing brain surgery; the United States Constitution.....take care, JD, and what say you consider dedicating the New Year of 2008 to sincere Constitutional study?!.....Mikey  
On Dec 19, 2007, at 12:19 AM, JD wrote:

Mr. Weinstein,

You may want to have your Senior Researcher Mr. Rodda do a little more "robust" research. Much of what was contained in your press release was inaccurate. I'll list a few of the more interesting examples:

Air Force Academy Video:

*"The participants in this promotional video, three Academy cadets and two chaplains, violated the same regulation...as the officers at the Pentagon who appeared in the Campus Crusade Christian Embassy video."*

- No, they didn't. Did you watch the video? Only one person ever even *mentions* the positive aspects of only Campus Crusade, and because that person lacked the mantle of a "general officer," they did not imply that "they spoke for senior leaders" or made an "official DoD endorsement." All other quotations on the video were directed toward the importance of Christ in one's life and the Academy SPIRE program (an official Chapel program), neither of which involve "endorsing a non-federal entity." The responses appeared to be carefully phrased and well edited. None endorsed CCC.

*"One of many group photos of soldiers holding up their Bibles..."*

- And? They're in training. They're required to have their uniforms and allowed (even encouraged) their weapons, and they're allowed to go to religious gatherings. Is your problem the fact that someone took a picture of it? Would you like to ban photography?

Chaplain School Patch:

*"The image below is of the Distinctive Unit Insignia of the U.S. Army Chaplain Center and School... This is from the official explanation of the symbolism: "The pages of the open Bible represent the primacy of God's Word."*

- Actually, no, it isn't. Check out the website, and you'll see that there is a different design listed. Given that the patch became more generically "inclusive," it is likely that they symbolism may have also; however, there is no way to know, since the explanation of the "symbolism" is not listed. The description you gave was from an old patch.

*"The Military Ministry director is permitted to hang posters..."*

- Good observation. So is every other organization that obtains the appropriate permission.

*"...If you're in the military, you're in the ministry..."*

- And your point is? You never say anything bad about this; you just repeat it over and over. Just as military members are told that they are "ambassadors for the military" whenever they go anywhere (in uniform or not), so, too, Christians are told that they are "ambassadors for Christ" (that other phrase you hate) wherever they go.

At the Fort Riley PX, they are not only selling "The Politically Incorrect Guide to Islam," but display it right next to "The Soldier's Bible."

- Noted. The exchange also sells books of witchcraft next to the Pope's book. What's your point?

AAFES...is military run and has a military chain of command...so the approval for this store is a government endorsement not just of the name on the sign, but of anything hung in the windows..."

- By that logic, the US government is also endorsing "Think outside the bun," "Eat fresh," as well as every lewd comment on the front of the adult magazines they sell. Don't think that argument will fly.

I noticed this press release lacked the acerbic vitriol of some of the MRFF's previous announcements; I assumed it was either a conscious effort to tone down the rhetoric or a product of a different author. After I read the Military.com article, I realized it was probably the latter. "Weinstein said the officials can "tell it to the judge," since he plans to include the allegations into a lawsuit he and Army Specialist Jeremy Hall filed..." If you're really going to do that, I suspect you have one of two goals: you're *trying* to get your own lawsuit dismissed, or you're "throwing mud against the wall and seeing what sticks," to repeat a phrase someone used before about the MRFF. Most of these new "allegations" beg the question others on the web have already posed: so what? You don't even assert that there's anything wrong with most of the statements, you're just tossing anecdotes out. The release almost sounds like a weak cry for attention rather than an actual news event.

In the end, if a real news organization picks up on the story, you'll have achieved your objective of making one final public relations splash in 2007, which I guess is all that matters. Since there's not really anything new in it, though, I wonder if they will.

I find it interesting that you focus much of your ire against private organizations. At the Pentagon, you focused much of the attention on Christian Embassy, and here you focused much of the attention on CCC. (Your title, after all, is *the MRFF vs CCC*.) While interesting, the arguments are irrelevant. A private individual is free to get behind a podium and announce to the world that he wants to turn members of the military into stiff-suited fundamentalist Baptists; when he goes knocking at the base gate, he'll get let in just like the Imams, Rabbis, Wiccans, and Jehovah's Witnesses (who, by the way, also have an "evangelical" objective). There is nothing unconstitutional or illegal about a citizen doing that. There is nothing unconstitutional or illegal about having a house off base that you let military members come to, even if you are associated with Cadence. It is curious that someone of your constantly-repeated credentials would accuse private, non-military organizations—which are not affected by establishment clause claims—of Constitutional violations. Why would anyone make such inaccurate and sensational claims?

As I have noted elsewhere, your bellicose accusations and self-declared "war" against "P-MRDE Christians" are doing more damage to "Military Religious Freedom" than they are good. Some people are unsure if water-cooler talk can delve into religious topics (even though the military explicitly says they have that *religious freedom*), and others practically try to hide their beliefs to avoid misperceptions, even though the military encourages *religious freedom* in spiritual involvement. You've made the chaplains' job harder when they have to explain to military members that the accusations they read about in the paper weren't founded or substantiated—and that the "unconstitutional" actions were, in fact, not. You have done one good thing, though. You've encouraged many to hone their knowledge of Constitutional law, the UCMJ/IG/MEO, and you've improved relationships with the Chaplaincy. Those things have helped military members know that when someone starts decrying as "egregiously unconstitutional," say, a picture of a soldier with a Bible, they don't have a leg on which to stand.

You once accused me of not having a "clue" as to what you were all about. Scary thing is, I think I actually do.

Happy Hanukkah,

JD

  
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