



MILITARY RELIGIOUS FREEDOM
f o u n d a t i o n

Wednesday, April 23, 2014

The Honorable Chuck Hagel
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

The Honorable John A. Boehner
Office of the Speaker
H-232 The Capitol
Washington, DC 20515

Dear Secretary Hagel and Speaker Boehner:

Sirs, this letter is a follow-up to the letter sent to Secretary Hagel by the Military Religious Freedom Foundation (MRFF) on April 17, 2014 regarding the planned participation of uniformed United States Military personnel in the National Day of Prayer Task Force (NDP Task Force) event, to be held on Thursday, May 1, 2014 at the Cannon House Office Building.

In that April 17 letter, (a copy of which is enclosed), we cited the following DoD regulation and DoD instruction, which clearly prohibit the participation of uniformed military personnel in the NDP Task Force's event, as the NDP Task Force is incontrovertibly a non-federal entity, and cannot, therefore, be endorsed by or provided a selective benefit by the United States Military:

1. Joint Ethics Regulation (DoD 5500.7-R) regarding the strictly prohibited DoD endorsement of any non-federal entity, such as the NDP Task Force (Section 3-209);
2. DoD Instruction 5410.19, Section 6.7.1, which, likewise, prohibits DoD endorsement of any nonfederal entity, such as the NDP Task Force; and,
3. DoD Instruction 5410.19, Section 6.7.2, which prohibits the providing of a selective benefit or preferential treatment by the DoD to any non-federal entity, such as the NDP Task Force.

We also cited DoD Directive 5410.18, Section 4.2.4.2, as the planned military participation in the NDP Task Force's May 1 event includes a United States Military brass quintet and an active duty military vocalist to perform the National Anthem. That directive states:

"Providing support at events sponsored by non-Federal entities by Military Service members in uniform performing in a military band, choral group, or portion thereof, is particularly

inappropriate because they convey in that context a strong visual appearance of a DoD endorsement of the non-Federal entity, its event, or its goals."

It seems, however, that the NDP Task Force is just now attempting to ignominiously circumvent the germane, unambiguous DoD regulations, instructions, and directives, which no one appears to disagree would otherwise clearly prohibit the planned military participation in this May 1 event. Indeed, the NDP Task Force is suddenly, or more accurately "conveniently", claiming that the event is not an NDP Task Force event (i.e., a non-federal entity event) at all, but an event run by a U.S. Congressman, Rep. Robert Aderholt of Alabama.

Therefore, additional sections of the above cited DoD Instruction 5410.19, which are utterly unaffected by whether or not this event is to be considered a non-federal entity event, will be cited at the end of this letter.

Additionally, the rules governing the use of buildings under the control of the United States Congress must be added, and the governmental entity -- which in the case of the specific room in which this event is to be held is the Office of the Speaker of the House -- must also be addressed in this letter. Those rules will also be cited at the end of this letter.

As you no doubt know, sirs, any event held in a building under the control of the United States Congress, such as the Cannon House Office Building, requires a sponsor who is a member of either the Senate or the House of Representatives. In the case of the NDP Task Force's annual National Day of Prayer Events, this sponsor has, since 2007, been Rep. Aderholt. This accommodating fact makes him a most handy-dandy, convenient "*non-non-federal entity*" for the NDP Task Force to speciously claim as the actual organizer of the event.

This all too transparently abrupt flip-flopping of which entity is in actual charge of putting on the event and which entity is merely *assisting* with the event is so obviously and dubiously transparent. It is, in point of fact, absolutely nothing more than a pathetic charade and an insidious attempt to circumvent the DoD's clear and unadulterated regulations, instructions, and directives on military participation in and endorsements of non-federal entities. It would be ludicrous were it not so serious a matter of governmental duplicity and malfeasance.

Furthermore, this pedestrian smoke screen of claiming that the May 1 National Day of Prayer event is not an NDP Task Force event, but merely an event in which this non-federal entity is *assisting* Rep. Aderholt, is proven to be a complete farce by the remarkably unambiguous statements made by both NDP Task Force head Shirley Dobson and Rep. Aderholt themselves at previous years' National Day of Prayer events.

For example, in her introduction of Rep. Aderholt at the NDP Task Force's 2012 event, Shirley Dobson said, referring to Rep. Aderholt:

"He helps us with security, requests the brass quintet, the anthem singer, the color guard. He's been a most wonderful support to this ministry."

And at the 2013 event, again in her introduction of Rep. Aderholt and again referring to Rep. Aderholt's obtaining of military assets for the event, Ms. Dobson said:

"He has been there for us and gone to bat for us."

Mr. Secretary and Mr. Speaker, Ms. Dobson's unequivocal statements can be reasonably interpreted in no other way than as her clearly stating in no uncertain terms that it is Rep. Aderholt who is assisting her non-federal entity with *their* event, and absolutely not the other way around as they are now trying to shamefully claim.

Rep. Aderholt's comments at these prior years' events reinforce Ms. Dobson's clear distinction of whose event this is and who is merely assisting. For example, after being introduced by Ms. Dobson at the 2012 event, Rep. Aderholt, referring to himself and his office, telling said:

"Shirley was mentioning about the fact of what we did to try to help. We're just honored to have a chance to be of service in some way during this time."

Veritably, the Congressman Aderholt tail does not wag the NDP Task Force dog.

Additionally, the video put out by the NDP Task Force about the history of the Capitol Hill National Day of Prayer event also makes it clear that it is an indisputable fact that it is this non-federal entity, and not the requisite sponsoring member of Congress, which is irrefutably running this event. That video can be found on the NDP Task Force's YouTube channel at www.youtube.com/watch?v=2UH32T_jWXY.

The preponderance of evidence, both that which is cited here and that which can be found elsewhere, leaves absolutely no question that the annual National Day of Prayer event held in the Cannon House Office Building is a full-blown NDP Task Force event, and therefore incontestably a non-federal entity event.

Unfortunately, as reported on April 18 by *Stars and Stripes* (<http://www.stripes.com/news/us/army-says-it-will-support-national-day-of-prayer-event-despite-protest-1.278855>), the U.S. Army' appears to be buying into the fetid farce that the NDP Task Force's event is not an NDP Task Force event. To wit, the Army has responded to MRFF's demand letter of April 17 that all U.S. military participation be pulled from this clearly prohibited event by saying that it will *not* be pulling out of the event. According to the *Stars and Stripes* article, "The Army still intends to send a chaplain and the Military District Washington will contribute a color guard, a vocalist and a military band."

Regardless of whether or not the DoD decides to accept the NDP Task Force's farcical claim that the May 1 National Day of Prayer event at the Cannon House Office Building is not an NDP Task Force event, it does not diminish in the least the spirit or intent of DoD Directive 5410.18, Section 4.2.4.2, cited above. Everything about this exclusively fundamentalist Christian event screams to any reasonable observer "a strong visual appearance of a DoD endorsement of the non-Federal entity, its event, or its goals." The event's promotion by the NDP Task Force, the content of the event itself, and, most obviously, the "strong visual appearance" of the NDP Task Force's logo and signage that plasters the room in which the event is held -- and from which it is broadcast to the entire world -- cannot with any seriousness be considered to

convey anything other than a "strong visual appearance of a DoD endorsement of the non-Federal entity, its event, or its goals."

All of the above should be more than sufficient grounds to pull forthwith all military participation from the May 1 National Day of Prayer at the Cannon House Office Building. However, since the NDP Task Force, with the reported acceptance by the U.S. Army, is determined to circumvent the regulations, instructions, and directives prohibiting the planned participation of U.S. Military personnel in this unquestionably non-federal entity event, MRFF is hereby adding the following sections and additional aspects of the already cited sections of DoD Instruction 5410.19 to the grounds under which military participation in this event must be cancelled.

DoD Instruction 5410.19, Section 6.7.2 states:

"Selective Benefit and Preferential Treatment. Community relations activities shall not support, or appear to support, any event that provides a selective benefit to any individual, group, or organization, including any religious or sectarian organization ..." (emphasis added)

Given the beyond blatant presence of NDP Task Force logos and other signage at the event, is it even remotely conceivable that the participation in this event by uniformed military personnel would not "appear to support" this non-federal entity that appears to any reasonable and rational observer to be the organization running the event? Further, would this not be the case regardless of whether the event is being run by the NDP Task Force or by Rep. Aderholt?

Also of particularly critical note in regard to "selective benefit" is the fact that, in all the many years that this annual event has taken place, no other organization besides the NDP Task Force has ever been the non-federal entity to put on the event, clearly giving this particular organization, and its fundamentalist Christian religious ideology, a true bonanza bargain of a "selective benefit." So, again, does it matter, in the context of the appearance of a "selective benefit" being provided by the military, whether the event is being run by the NDP Task Force or by Rep. Aderholt?

Section E4.3.1.9.2 from Enclosure 4 of DoD Instruction 5410.19, the enclosure pertaining to "Speaking Engagements," applies to the "Military Remarks" speaker at the event. Although not yet announced by the NDP Task Force, this speaker is typically an active duty U.S. Military officer who appears in uniform. The pertinent part of this Section of DoD Instruction 5410.19 states:

"DoD community relations public speaking activities shall not support any event that provides a selective benefit to, or involves or gives the appearance of involving the promotion, endorsement, or sponsorship of, any individual, group, or organization, including any religious or sectarian organization ..."

Further prohibitions found in the very same Instruction are:

"An event restricted to any part of the public, based on race, religion, color, national origin, or gender." (Section E13.3.1.2.5)

"The event is sponsored by an organization representing a religious, ideological, or partisan political viewpoint." (E13.3.2.2.3)

These above cited Sections from DoD Instruction 5410.19, Enclosure 4, are also unaffected by the legerdemain-wrought technicality of whether of the National Day of Prayer event at issue is being run by The NDP Task Force or by Rep. Aderholt.

In addition to the DoD regulations, instructions, and directives cited in this letter, similar regulations and instructions exist for each of the individual branches of the military, so to also cite each and every one of those here would be repetitive and unnecessary.

Finally, as stated at the top of this letter, in addition to the DoD regulations, instructions, and directives that would prohibit military participation in this event, there is also an issue that would fall within the purview of the governmental entities that have authority over the room -- the Cannon House Office Building Caucus Room -- in which the NDP Task Force's event has been held in previous years and is scheduled to be held in once again on May 1 of this year.

What I specifically refer to here is the section in the long-standing "Conditions for use of meeting rooms" that unequivocally prohibits the use any meeting rooms under the authority of the various congressional entities by "Organizations practicing discrimination based on race, creed, color, or national origin."

There can be absolutely no question that the NDP Task Force is an organization that practices discrimination based on creed. But lest there be any doubts or attempts to claim otherwise, the following are a few quotes from this organization about who is eligible to participate as volunteers in the running of their National Day of Prayer events, to include their big event in the Cannon House Office Building as well as their other events across the country. The quotes that follow are taken from the NDP Task Force's own website for their events over the past several years.

NDP Task Force event coordinators have been required to subscribe to the following statement, agreeing to restrict any participation beyond simply attending an event exclusively to Christians:

"I commit that NDP activities I serve with will be conducted solely by Christians while those with differing beliefs are welcome to attend."

The NDP Task Force put out an "Official Policy Statement on Participation of 'Non-Judeo-Christian' groups in the National Day of Prayer," which stated:

"The National Day of Prayer Task Force was a creation of the National Prayer Committee for the expressed purpose of organizing and promoting prayer observances conforming to a Judeo-Christian system of values. People with other theological and philosophical views are, of course, free to organize and participate in activities that are consistent with their own beliefs."

This year, NDP Task Force volunteers are required to fill out an application in which they must "Briefly share [their] testimony of [their] personal relationship with Jesus Christ."

Mr. Secretary and Mr. Speaker, please do the right thing here and immediately terminate this planned, despicable sectarian display of illicit fundamentalist Christian triumphalism and supremacy. Furthermore, MRFF demands that those responsible for attempting to produce this unconstitutional perversion of Congressional and DoD regulatory directives be aggressively investigated and publicly punished for all to see.

Very sincerely,



Michael L. "Mikey" Weinstein, Esq.
Founder and President
Military Religious Freedom Foundation

CC:

President Barack Obama

John M. McHugh - Secretary of the Army

Ray Mabus - Secretary of the Navy

Deborah Lee James - Secretary of the Air Force

General Martin E. Dempsey - Chairman of the Joint Chiefs of Staff

Admiral James A. Winnefeld Jr. - Vice Chairman of the Joint Chiefs of Staff

General Raymond T. Odierno - Chief of Staff of the United States Army

Admiral Jonathan W. Greenert - Chief of Naval Operations

General Mark A. Welsh III - Chief of Staff of the United States Air Force

General James F. Amos - Commandant of the Marine Corps

Rep. Robert Aderholt - United States Congressman, Alabama, 4th District

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