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April 28, 2015

CAPT W. Douglas Pfeifle
Recruit Training Command
3355 Illinois St.
Great Lakes, Illinois 60088

Re: Religious Support Programs

Dear Captain Pfeifle:

The undersigned represents the Military Religious Freedom Foundation (MRFF).

This correspondence serves to put you on notice of MRFF's intention to seek available relief for the personnel under your command who are denied their rights to exercise religious freedoms in the same or substantially similar as others at the Recruit Training Command (RTC). Specifically, we understand that the RTC now prohibits civilian volunteers from conducting religious services for certain sects. Additionally, we understand that this has been brought to your attention by MRFF's President, Mikey Weinstein, in a correspondence addressed to you dated April 22, 2015. The content of that correspondence is incorporated herein by reference.

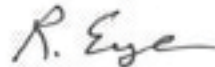
In addition to the points made by Mr. Weinstein in the above-referenced correspondence of April 22, 2015, there is a constitutional question whether denying similarly situated individuals under your command substantially similar rights to exercise religious freedoms violates the right to equal protection under the Fifth Amendment of the Constitution of the United States. In effect, your decision to treat some sects differently means that you, as an agent of the federal government, are picking religious winners and losers. It is the duty of the government, in this context, to treat the exercise of religious freedom in a neutral sense. To do otherwise sends an unconstitutional signal that some religions have greater rights than others. See: *Employment Div., Dep't of Human Resources v. Smith*, 494 U.S. 872, 887, 110 S. Ct. 1595, 108 L. Ed. 2d 876 (1990) ("Judging the centrality of different religious practices is akin to the unacceptable business of evaluating the relative merits of differing religious claims.").

For example, we understand that you have barred a civilian from leading Earth-centered religious ceremonies for RTC personnel. Mr. Weinstein's April 22, 2015, correspondence notes that the Navy specifically recognizes in OPNAVINST 1730.1E 5.1 that civilians may lead religious ceremonies as an exception to the general rule that requires involvement of uniformed chaplains. On constitutional grounds, prohibiting the involvement of some civilian religious leaders the

right under OPNAVINST 1730.1E 5.1 to conduct services while authorizing other sects to freely exercise their religious freedoms implicates the Establishment Clause of the First Amendment. In effect, the failure to extend the same rights to, for example, the aforementioned Earth-centered sect, as those enjoyed by other sects is what the Establishment Clause is intended to prohibit. Your policy effectively establishes some sects as favored and protected by the government while others are not. This violates the constitutional rights of adversely impacted personnel in your command. See: *Fowler v. Rhode Island*, 345 U.S. 67, 69 (1952).

Discrimination on the basis of religion should not be tolerated in the U.S. Navy. But discrimination is what the subject order sanctions. Accordingly, we urge that you immediately rescind all orders and directives that prohibit civilians from conducting religious services at RTC consistent with OPNAVINST 1730.1E 5.1.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Eye", with a stylized flourish at the end.

Robert V. Eye

PC: Mikey Weinstein