

Wednesday Afternoon, March 27, 2019



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

**AIR FORCE TIMES  
COVERS MRFF ON HOMEPAGE**

**Air Force JAG says  
commanders may invoke God  
at change of command ceremonies,  
sparking protest**

**By: Kent Miller**

**Tuesday, March 26, 2019**

**Air Force JAG says commanders may  
invoke God at change of command**

Photo credit: Rob Curtis/Air Force Times Staff

*(Excerpts from Air Force Times/Emphasis added by MRFF)*

A little publicized legal opinion that addresses commanders' rights to mention God at change of command and promotion ceremonies, issued by the Air Force judge advocate general in December, is now drawing protests and praise.

[...]

**“Heretofore, the USAF has always concluded that speeches given at change of command and promotion ceremonies are, as a matter of law, official “state speech” which may not endorse particular religious affiliations or lack thereof,” [Mikey] Weinstein writes to the commission. “Such state speech would predictably have a deleteriously corrosive effect on the morale, good order, discipline, and unit cohesion of airmen in attendance who are not affiliated with the commanders’ personally expressed religious beliefs and affiliation.”**

[...]

[Click to Read on Air Force Times](#)

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## **CROOKS AND LIARS COVERS MRFF**

### **Air Force JAG Opinion Appealed To US Civil Rights Commission**

**By: Paul Rosenberg**

**Saturday, March 23, 2019**

*(Excerpts from Crooks and Liars/Emphasis added by MRFF)*

Last month, as I reported for Religion Dispatches, **the Military Religious Freedom Foundation went public with a leaked opinion from the Judge Advocate General of the Air Force**, purportedly legalizing religious expression at change of command and promotion ceremonies, in violation of the First Amendment’s Establishment Clause, as well as existing Air Force regulations intended to protect the military’s core mission, and the unit cohesion, good order, and discipline needed to carry it out.

[...]

**“We don’t trust Donald Trump’s Department of Defense anymore. Were done,” Weinstein told this reporter. “We have a lot of contacts there, from people below the political level, but we know when we’re at the political level...we don’t trust any of them.”** But the decision was not taken lightly. **Neither MRFF’s lawyers nor its clients feel the system is working, he said.**

[...]

**“They’re out of their home park. We’re going to make them play an**

away game.” Weinstein said. “They can't keep playing in Yankee Stadium as the Yankees. They're going to have to go to Fenway Park. They're going to have to go to Dodger Stadium.”

[...]

[Click to Read Article on Crooks and Liars](#)

## MRFF REQUESTS OFFICIAL HEARING BEFORE UNITED STATES COMMISSION ON CIVIL RIGHTS



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

Thursday, March 21, 2019

United States Commission on Civil Rights  
1331 Pennsylvania Ave., NW, Suite 1150  
Washington, DC 20425

Honorable Commissioners,

As a well-known, prominent guardian of civil rights in the Federal government, especially in the United States military, we respectfully ask that you urgently consider our objections to the Department of the Air Force's recently published Opinion of The Judge Advocate General (AFJAGAF), legalizing religious evangelizing and proselytizing at change of command and promotion ceremonies in violation of the First Amendment's Establishment Clause. An AFJAGAF opinion is definitive, controlling guidance to United States Air Force (USAF) commanders. It is "controlling legal guidance" that must be obeyed by USAF commanders, unless overruled by the Air Force General Counsel's Office, which has elected to not issue contrary guidance in this case.

Over the years, we have made repeated complaints with the Department of Defense and the Department of the Air Force on religious matters in violation of the Establishment Clause. Due to our complaints being routinely minimized and rejected by DOD and USAF, we now seek your review. We feel we have exhausted administrative review at DOD and USAF levels, and therefore, seek your intercession. We would greatly appreciate it if you convened a hearing to review this matter. We would happily testify before the Commission, and we are certain DOD and USAF officials would feel compelled to accept your invitation to similarly testify and attempt to justify their violation of the Establishment Clause.

The attached Opinion of The Judge Advocate General of the Air Force (OPJAGAF) reaches an extremely ominous and utterly unconstitutional conclusion; to wit, that United States Air Force (USAF) commanders may now publicly endorse the specific name of their personal gods or deities at their official USAF Change of Command ceremonies and promotion ceremonies. (See attachment 1 to read the OPJAGAF.) This OPJAGAF now serves as the controlling legal authority, permitting violations of the Establishment Clause by all Air Force members at change of command ceremonies and promotion ceremonies.

[Click to Enlarge and Read Entire Letter](#)

## Opinion of The Judge Advocate General of the Air Force (OPJAGAF), 2018-52, 19 December 2018

*OpJAGAF 2018-52, 19 December 2018, CONSTITUTIONAL LAW*

### *TOPIC*

Changes of Command and the First Amendment

### *Text of the decision*

During a recent change of command, the incoming wing commander stated, "First I'd like to thank God for the many blessings He's given me and my family and the guidance in my life." The commander proceeded to thank the many people who helped him along the way and closed with mission-focused remarks. Within approximately ten minutes of the conclusion of the change of command ceremony, at the same venue, the commander was promoted to the next higher grade. At this personal promotion ceremony, the commander said:

So first off, I just want to remind everyone I just took the oath of office to support and defend the Constitution of the United States and one of those things in the Constitution is our Freedom of Religion, and so I wholeheartedly agree with that and I believe that the diversity we have in the United States is incredible and I will defend that right with my life. But today, today is a little personal for me, so I just want to thank my God Jesus for his salvation and the things that he's done in my life and the blessings he's given me and my family."

This OpJAGAF is in response to your request for guidance on whether a commander violates the Establishment Clause of the First Amendment and Air Force Instruction 1-1, *Air Force Standards*, 7 August 2012, Incorporating Change 1, 12 November 2014, if he or she thanks God and/or has an invocation at a change of command ceremony. It also addresses whether the analysis changes if the change of command is followed immediately by a personal promotion ceremony.

We conclude a commander may: briefly thank a Supreme Being (either generally, such as Providence, that Almighty Being, our Lord, or the Supreme Author of All Good; or specifically, such as Allah, Brahman, Christ, Ganesh, God, Yahweh, or even Beelzebub), have an invocation, and choose whomever he or she would like to provide the invocation. If the commander holds a personal promotion ceremony on the same day, a significant break must occur between the change of command and promotion ceremony in order for the commander to be freer in expressing his or her personal religious beliefs. If a break does not occur, the commander must limit his or her religious comments to comments that are appropriate at the official change of command.

### *Discussion*

Changes of command are official events. The primary purpose is "to allow subordinates to witness the formality of command change from one officer to another. The ceremony should be official,

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**Parker v. Levy, 417 U.S. 733 (1974)**

In *Parker v. Levy*, 417 U.S. 733 (1974), the United States Supreme Court absolutely and quite conclusively defined the limits of First Amendment freedoms for military members. As such the Supreme Court's opinion serves as incontrovertible, controlling law regarding when free exercise of religion in the military is constrained by the Establishment Clause of the First Amendment. The Court concluded that First Amendment freedoms (such as the religious Free Exercise Clause) are restricted when such speech begins to degrade morale, good order and discipline in the Armed Forces. The Court limited the First Amendment freedoms of military members to the higher necessity of defending the Nation by maintaining morale, good order and discipline of members of the Armed Forces, who are charged with defending the survival of the nation and thus, the survival of the Constitutional freedoms for its civilian citizens. Indeed, one of the most conservative Chief Justices in the history of the United States Supreme Court, Chief Justice William Rehnquist, authored that seminal.

## **U.S. Supreme Court**

**Parker v. Levy, 417 U.S. 733 (1974)**

**Parker v. Levy**

**No. 73-206**

**Argued February 20, 1974**

**Decided June 19, 1974**

**417 U.S. 733**

*APPEAL FROM THE UNITED STATES COURT OF APPEALS*

*FOR THE THIRD CIRCUIT*

*Syllabus*

Article 90(2) of the Uniform Code of Military Justice (Code) provides for punishment of any person subject to the Code who "willfully disobeys a lawful command of his superior commissioned officer"; Art. 133 punishes a commissioned officer for "conduct unbecoming an officer and a gentleman"; and Art. 134 (the general article) punishes any person subject to the Code for, *inter alia*, "all disorders and neglects to the prejudice of good order and discipline in the armed forces," though not specifically mentioned in the Code. Appellee, an Army physician assigned to a hospital, was convicted by a general court-martial of violating Art. 90(2) for disobeying the hospital commandant's order to establish a training program for Special Forces aide men, and of violating Arts. 133 and 134 for making public statements urging Negro enlisted men to refuse to obey orders to go to Vietnam and referring to Special Forces personnel as "liars and thieves," "killers of peasants," and "murderers of women and children." After his conviction was sustained within the military and he exhausted this avenue of relief, appellee sought habeas corpus relief in the District Court, challenging his conviction on the ground that both Art. 133 and Art. 134 are "void for vagueness" under the Due Process Clause of the Fifth Amendment and overbroad in violation of the First Amendment. The District Court denied relief, but the Court of Appeals reversed, holding that Arts. 133 and 134 are void for vagueness, that, while appellee's conduct fell within an example of Art. 134 violations contained in the Manual for Courts-Martial, the possibility that the articles would be applied to others' future conduct as to which there was insufficient warning, or which was within the area of protected First Amendment expression, was enough to give appellee standing to challenge both articles on their face, and that the joint consideration of the Art. 90 charges gave rise to a "reasonable possibility" that appellee's right to a fair trial was prejudiced, so that a new trial was required.

[Click to Enlarge and Read Case](#)

## BACKGROUND ON:

### AIR FORCE'S LEGAL OPINION LEAKED TO MRFF - REVEALS APPROVAL OF RELIGIOUS EXPRESSION

[Click to Read Background](#)

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#### CHRISTIAN NEWS COVERS MRFF

### Bible Returns to POW/MIA Table at Veterans Hospital After Initial Removal Due to Complaint

**By: Heather Clark**

**Tuesday, March 26, 2019**

*(Excerpts from Air Force Times/Emphasis added by MRFF)*

MANCHESTER, N.H. — A Bible has been returned to a Missing Man table at a veterans hospital in New Hampshire after it was initially removed following a complaint from the **Military Religious Freedom Foundation (MRFF)**.

“[A]s of Monday morning, the 18th, the Bible will be in a plexiglas case that was donated by a Navy veteran and will be attached to the table. The case will have the name of the POW the Bible belonged to before being given to a Navy veteran, member of Northeast POW/MIA Network and Purple Heart recipient,” states an update from Bob Jones of the Northeast POW/MIA Network published by the Laconia Daily Sun.

[...]

[Click to Read on Christian News](#)

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## BACKGROUND:

### 14 VETERAN MRFF CLIENTS DOUBLE-CROSSED

VA Medical Center Manchester, NH removed Christian Bible from POW/MIA table per MRFF's demand, only to deceitfully be more prominently displayed on a shelf in the VA lobby just a few feet away!

# INCOMING HATE MRFF'S INBOX

## **\*\*\*BREAKING: From Army Times and Colo. Springs Independent"**

From: (name withheld)

Subject: **\*\*BREAKING: From Army Times and Colo. Springs Independent**

Date: March 26, 2019 at 8:46:37 PM MDT

To: Michael L Weinstein <mikeyw4444@icloud.com>

Michael, we Jews should have nothing to do with the Muslims as long as they continue to fire rockets into Israel! My wife and I have been to Israel twice, our Daughter Joy, once. We stand with President Trump and Prime minister Netanyahu . We must fight against the Muslims and all Islamist as they hate all Jews and Christians. My first Wife was Jewish her grandparents were pharmacist in Austria and were killed by the Nazi . My Present wife is Presbyterian .All of her family served in the Navy or the Marines in ww2. Her uncle Charles was killed in the Pacific. You must know that this is a Judaic -Christian Nation! We must protect the Christians and their Crosses as well as our Stars of David! We must bot protect The Muslims who seek to destroy us! What in the hell are you thinking about? Mohammed and his crew have been at war with us Jews since 640! Listen to the two Muslim women who have been elected to Congress. They hate Israel and I hate them and all they stand for! Stop trying to defend them they would kill you if they have a chance!

(name withheld)

*To see responses from MRFF Founder and President  
Mikey Weinstein, and MRFF Advisory Board Members  
Mike Farrell and John Compere:*

[Click to Read in Inbox](#)

**MRFF Information/Contact:**  
(505) 250-7727

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our Fight in the Courts and in the Media**

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