



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

February 6, 2020

Colonel Jeremiah S. Heathman
Commander, 375th Air Mobility Wing
Headquarters, 375th Air Mobility Wing
Scott AFB, IL 62225

Dear Colonel Jeremiah S. Heathman,

1. WHY I AM WRITING YOU TODAY:

Sir, fifteen United States Air Force (USAF) officers, enlisted personnel and civilians under your direct command have asked the MRFF to intervene on their behalf as a result of an improper action you took which egregiously violates their Constitutional rights. These rights prohibit the establishment of a State religion, and guarantee the free exercise of religion. Your actions violate both prohibitions and also damage their equal protection under the law while serving in the USAF.

To the extent that it may matter to you, Colonel, six of our MRFF clients under your command self-identify as practicing Christians (both Protestant and Roman Catholic) and the remaining nine follow minority faith and non-faith traditions; to wit, Judaism, Islam, Hinduism and Buddhism, as well as non-faith traditions to include Atheism, Agnosticism and Secular Humanism.

Specifically, sir, within the last few days you sent out a mass E-mail to the entire military unit under your command, the 375th Air Mobility Wing, and all over the rest of Scott AFB "cordially invit(ing)" those under your command, and elsewhere situated at Scott AFB, to attend the "National Prayer Breakfast" to be held at 8:00 AM on February 25, 2020 at the Scott AFB Event Center on your installation. This massive, blanketing E-mail distribution, which was quite clearly sent out directly under YOUR name, Wing Commander position and title as "The Commander of the 375th Air Mobility Wing", also directed RSVPs (as opposed to a more open "accepts only") from all of your USAF subordinate recipients of this E-mailed "invitation."

Colonel Heathman, by your foregoing actions of making attendance at this sectarian prayer event a COMMAND priority as a senior military commander, and in conjunction with the RSVP directive, you violated *inter alia* the Constitutional civil rights of those USAF subordinates under your command by "establishing religion" in breach of the specific prohibition of such by the First Amendment of the Bill of Rights of the United States Constitution. You have additionally created a de facto "religious test" in violation of Clause 3, Article VI of the U.S. Constitution. Further, Colonel Heathman, you have blatantly breached the bounds of a plethora of DoD and USAF Directives, Instructions and Regulations, not the least of which is Air Force Instruction 1-1, Section 2.12 which states in pertinent part:

2.12. Balance of Free Exercise of Religion and Establishment Clause. Leaders at all levels must balance constitutional protections for their own free exercise of religion, including individual expressions of religious beliefs, and the constitutional prohibition against governmental establishment of religion. **They must ensure their words and actions cannot reasonably be construed to be officially endorsing or disapproving of, or extending preferential treatment for any faith, belief, or absence of belief (*emphasis added*).**

Sadly, sir, there was an appropriate way in which you could have quite easily accomplished your goal of making this Scott AFB sectarian religious observance event known to potential USAF attendees without having invaded and desecrated their bedrock civil rights as described *supra*. Indeed, had this “invitation” been sent out by your Scott AFB chaplains staff, devoid of the intimidating imprimatur of your own USAF senior command influence, we would not even be having this current and unfortunate dialogue.

2. WHO WE ARE:

Sir, my name is Mikey Weinstein and I am the head of a large civil rights advocacy organization called the Military Religious Freedom Foundation (MRFF). MRFF currently represents over 66,600 active duty sailors, soldiers, marines and airmen as well as national guard and reserve personnel, DoD civilians, DoD civilian contractors and veterans. MRFF’s primary mission is to protect the Constitutionally-guaranteed separation between church and state in the U.S. armed forces. MRFF has a paid and volunteer staff of over 450 individuals. For your situational awareness, Colonel Heathman, about 95% of our MRFF clients and well over 80% of our MRFF staff identify as followers of the Christian faith.

3. PRACTICAL DISCUSSION POINTS:

Colonel Heathman, given your long and presumably honorable military service, you well understand that a formal invitation from a senior Commander in an airman’s chain-of-command is not something to be taken casually. Indeed, sir, the verb “volunTOLD” pretty much says it all. The RSVP is, in itself, an order to reply made more egregious because that response may identify the respondent’s religious beliefs (or non-beliefs), which is something many prudent airmen would formidably prefer to avoid.

I think you’d agree that publicly identifying your subordinates’ individual religious beliefs, or lack thereof, is completely counter to their Constitutional civil rights and, accordingly, counter to creating a leadership environment in which diversity and mutual respect are valued. They may also reasonably suffer duress via unconstitutional pressure to participate in a sectarian religious event LED by their commander--especially if that participation is counter to their own beliefs. Coercing anyone to do so is, again, not in the best interests of any well-functioning military unit and is, therefore, illegal.

Sir, [in a published article about you](#), you rightfully and convincingly cite that you follow the "ABCs of Leadership," Attitude, Being there, and Caring. I think you’d also agree that it’s vital for all leaders to likewise think about the letters that follow A, B, and C, and **Don’t Exclude** those who may have private beliefs different than yours or the mainstream. Forcing your subordinates to publicly attend a government-sponsored religious event or declare their beliefs, however inadvertently, isn’t a recipe for Success. Indeed, sir, nothing more violently savages the good order, morale, discipline and unit cohesion of a military organization that to divide it, by command directive, based upon religious differences.

4. WHAT WE DEMAND THAT YOU DO:

Colonel Heathman, MRFF demands that you

(A) immediately rescind and retract your prior unconstitutional E-mail “invitation” to the National Prayer Breakfast at Scott AFB.

(B) if you so choose, have this invitation to the National Prayer Breakfast resent by the USAF chaplains staff at Scott AFB, who, as chaplains, are staff officers and not USAF line commanders.

(C) Lastly, this E-mail “resend” must include appropriate language acknowledging the prior “error”. In this regard, it must explain why the E-mail is being sent out a second time to all Scott AFB personnel so that all individuals under your command can learn the appropriate way to handle situations like this and to prevent them from ever happening again in the future.

5. CLOSING:

Sir, there is still ample time for you to remediate your unconstitutional actions without need for MRFF's injured clients to lodge either Inspector General (IG) or Equal Employment Opportunity (EEO) complaints or for MRFF to file for emergency injunctive relief in Federal court as MRFF did in 2011 against the United States Air Force Academy under very similar circumstances.

Again, Colonel Heathman, you need merely to have your chaplains staff at Scott AFB resend the invitation without ANY vestige of your Wing Commander power and sway along with an accompanying statement as to why this "resend" is happening.


MRFF and our Scott AFB clients are earnestly standing by for your earliest decision.

Sincerely,



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

CC: Air Force Secretary, Barbara M. Barrett
Chief of Staff of the USAF, General David L. Goldfein
Commander, Air Mobility Command, General Maryanne Miller

A large, abstract red graphic element at the bottom of the page, consisting of several overlapping, curved shapes that resemble a stylized flame or a modern logo element. It is positioned in the lower right quadrant, extending towards the bottom edge.

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