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REPLY TO FLORIDA

June 10, 2021

VIA U.S. MAIL and EMAIL

Mr. John Roth
Acting Secretary of the Air Force
1670 Air Force Pentagon
Washington, DC 20330-1670

RE: Capt [REDACTED] religious accommodation request

Dear Acting Secretary Roth:

Liberty Counsel writes in support of [REDACTED] Wing Capt [REDACTED] and his appeal to you in your capacity as Acting SECAF, regarding his request to be exempted from wearing a COVID mask on the basis of sincerely-held religious beliefs. The First Amendment to the U.S. Constitution, the Religious Freedom Restoration Act, Department of Defense Instruction 1300.17, "Religious Liberty in the Military Service," and Air Force Policy Directive 52-2, "Accommodation of Religious Practices in the Air Force" all support the granting of his request, as does COA 2 as suggested by his immediate superior officer. There should be no collision course between the UCMJ and Capt [REDACTED] beliefs, but rather; it is within your power to grant a reasonable, appropriate accommodation.

By way of brief introduction, Liberty Counsel is a national non-profit litigation, education, and public policy organization with an emphasis on First Amendment liberties, and a particular focus on religious freedom. We have engaged in extensive litigation in the last year regarding civil rights violations ostensibly justified by "COVID-19," and have had great success holding both government entities and private actors accountable. *See, e.g., Harvest Rock Church, Inc. v. Newsom*, 141 S. Ct. 1289 (2021) (permanent injunction granted and \$1,350,000 in attorney's fees awarded in *Harvest Rock Church, Inc. v. Newsom*, No. 2:20-cv-06414, C.D. Cal., May 17, 2021); *Harvest Rock Church, Inc. v. Newsom*, 141 S. Ct. 889 (2020); *Elim Romanian Pentecostal Church v. Pritzker*, 962 F.3d 341 (7th Cir. 2020); *Maryville Baptist Church, Inc. v. Beshear*, 957 F.3d 610 (6th Cir. 2020).

In addition to Liberty Counsel's many victories in the COVID era, the Supreme Court has looked with great disfavor on the use of COVID restrictions, regulations, and rules to restrict the constitutionally protected exercise of religion. *See, e.g., Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020); *South Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716 (2021); *Tandon v. Newsom*, 141 S. Ct. 1294 (2021); *Gateway City Church v. Newsom*, 141 S. Ct. 1460 (2021); *Gish v. Newsom*, 141 S. Ct. 1290 (2021); *High Plains Harvest Church v. Polis*, 141 S. Ct. 527 (2020); *Robinson v. Murphy*, 141 S. Ct. 972 (2020).

On 16 Feb 2021, your memorandum "Department of the Air Force Guidance on Use of Masks," was released, which required "all individuals on Department property and all individuals performing official duties on behalf of the Department other than an individual's home" "will wear

masks and maintain six feet of physical distancing.” In addition to “identified Department of Defense” exceptions for mask wear, the number one exception in a list of eight “DAF-wide exceptions” is “(1) **when necessary to accommodate a religious belief.**” (Emphasis added). Decision-making authority on the requirement to wear a mask was delegated by SECAF to O-7 and O-6 level installation commanders. Commanders may make decisions on a categorical or case-by-case basis.

On 13 May 2021, the Deputy SECDEF released “**Updated Mask Guidelines for Vaccinated Persons,**” stating “fully vaccinated DoD personnel...are no longer required to wear a mask indoors or outdoors at DoD facilities.” The memo stated that “commanders and supervisors *may make exceptions* to this memorandum as necessary to ensure a safe workforce. **Commanders and supervisors should not ask about an employee’s vaccination status or use information about an employee’s vaccination status to make decisions** about how and when employees will report to a workplace instead of teleworking.” (Emphasis added).

I understand that Captain [REDACTED] [REDACTED] has requested a religious accommodation from being required to wear a COVID mask, based on his sincerely held Christian religious beliefs. Capt [REDACTED] religious beliefs do not permit him to wear the COVID mask (or to take a COVID shot). Capt [REDACTED] beliefs are sincerely-held, as two Air Force chaplains have attested, and are well-articulated in his **18 May 2021 Memorandum For AETC/CC.**

Capt [REDACTED] submitted his initial religious accommodation request verbally to his commander in 14 Mar 2021, and has used all of his available leave attempting to avoid being placed in a position of violating an order, while his request has been pending.

Lt Col [REDACTED], Capt [REDACTED] immediate commander, reviewed his request; interviewed him extensively; consulted with chaplains; and provided three possible courses of action (“COA”). The first, COA 1...Direct Order, was perceived to not “be LAW the policy guidance,” and that Capt [REDACTED] holds “a sincere religious position,” and “UCMJ disciplinary actions would soon follow” a Direct Order. The second COA stated as follows:

--COA 2...Full Accommodation. I could fully grant the exception, and allow the member to report unmasked. I am not overly concerned of how this would affect the health of the squadron due to our high level of vaccination, and physical distancing procedures already in effect. However, in my estimation, allowing a single member to report without a mask would adversely affect the good order and discipline of the unit. It is hard to assess whether other airman would request the same exception. Based on the vetting process that I went through with this individual, I expect some other members to also request exceptions, but not more than a handful. The harder challenge will be enforcing the mask mandate across the board, when other SQ members see that one person has an exception.

Lt Col [REDACTED] perceived COA 3...Partial Accommodation as less desirable than COA 2, as it would have negatively impacted unit cohesion and mission effectiveness. Lt Col [REDACTED] forwarded Capt [REDACTED] accommodation request, with his recommendation to Col [REDACTED] for his thoughts, concluding in part “**I plan to move forward with COA 2 and grant full accommodation, knowing it will magnify the disciplinary challenges in the SQ. I see COA 2 as being in the best interests of the Air Force.**” (Emphasis added).

Col [REDACTED] concurred with Lt Col [REDACTED] and forwarded the approved COA 2 to the [REDACTED] Wing Commander, Col [REDACTED]. However, Col [REDACTED] rejected the request, citing “good order and discipline” and “unit cohesion.” After Col [REDACTED] denial, Capt [REDACTED] timely appealed to 19 AF/CC, General Craig Wills, who upheld Col [REDACTED] denial. Capt [REDACTED] then

appealed to Lt Gen Marshall B. Webb at Air Education and Training Command (AETC). Lt Gen Webb denied Capt [REDACTED] appeal.

It should be further noted that Col [REDACTED] rejected courses of action that would have placed Capt [REDACTED] in a position of compliance with current orders, under current exceptions to mask requirements, during the pendency of his appeal, forcing Capt [REDACTED] to choose between fidelity to his religious beliefs, and potentially, his job, now on at least three occasions. Capt [REDACTED] has maintained fidelity to his religious beliefs.

Further, Col [REDACTED] rejected the religious accommodation request, despite more than 50% of the airmen and staff at [REDACTED] AFB having either not always worn or having incorrectly worn COVID masks since March 2020. Moreover, with more than 85% of 49th [REDACTED] Squadron airmen and staff having received COVID shots (and who are consequently not wearing masks), there is zero risk that a religious accommodation granted to Capt [REDACTED] will have an effect on “unit cohesion” or “good order and discipline.”

Capt [REDACTED] request for a religious exemption from mandatory mask wear is supported by the First Amendment, the Religious Freedom Restoration Act, DoDI 1300.17, and AFD 52-2.

The First Amendment prohibits a government “orthodoxy” in matters of opinion about the current COVID issue: “If there is any fixed star in our constitutional constellation, it is that **no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion, or force citizens to confess by word or act their faith therein.**” *West Virginia State Board of Education v. Barnette*, 319 U. S. 624 (1943). Mandatory masking is seen by many as the cornerstone of a social narrative – an “orthodoxy” – that COVID-19 justifies unprecedented restrictions on individual, economic, and religious liberties. A mask mandate may offend the conscience of an objector, forcing him to confess “by act” his faith in what he perceives as a false narrative. Many Christians believe that support of a false narrative is participation in a lie, which is sin.

The First Amendment applies to religious free exercise in the military. See, e.g., *Parker v. Levy*, 417 U.S. 733, 758 (1974) (“members of the military are not excluded from the protection granted by the First Amendment”). Under more recent binding Supreme Court precedent, the discriminatory refusal to grant Capt [REDACTED] accommodation request is unconstitutional. See, e.g., *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 67 (2020) (holding that restrictions imposed on religious exercise that are more stringent than those imposed on nonreligious gatherings are plainly unconstitutional). Indeed, “even in a pandemic, the Constitution cannot be put away and forgotten.” *Id.* at 68. As Justice Gorsuch noted, “[i]t is time—past time—to make plain that, while the pandemic poses many grave challenges, there is no world in which the Constitution tolerates color-coded executive edicts that reopen liquor stores and bike shops but shutter churches, synagogues, and mosques.” *Id.* at 72 (emphasis added). And, in *Tandon*, the Supreme Court held that the government violates the First Amendment “**whenever they treat any comparable secular activity more favorably than religious exercise.**” *Tandon*, 141 S. Ct. at 1296 (emphasis added). And, concerning masks in particular, discriminatory application of any mask mandate that infringes an individuals sincerely held religious beliefs and exercise is plainly unconstitutional. See, e.g., *Denver Bible Church v. Azar*, 494 F. Supp. 3d 816, 833 (D. Colo. 2020) (enjoining Colorado Governor from enforcing his discriminatory mask mandate that failed to provide accommodation to sincerely held religious beliefs).

The **16 Feb 2021 Memorandum for All [REDACTED] AFB Personnel** is replete with numerous exceptions to mask wearing, reminiscent of the distinctions-without-difference struck down by the Supreme Court in *Catholic Diocese* and as enjoined by the court in Liberty Counsel’s case *Harvest Rock Church*. On its face, the Memorandum recognizes a “General Exception” at 5. “When necessary to accommodate a religious belief,” which has been ignored here.

Moreover, the list of activities that pose the same risk of COVID transmission (or zero risk of transmission) are comparable to the request here:

1. When an individual is alone in an office with floor-to-ceiling walls with a closed door;
2. For **brief periods of time when eating and drinking while maintaining distancing** in accordance with CDC guidelines;
3. When the **mask is required to be lowered briefly for identification or security purposes**;
4. When a health condition exists that prohibits mask wear and the individual has documentation from a healthcare provider explaining the condition and how mask wear negatively affects the condition;
5. **When necessary to accommodate a religious belief**;
6. When outdoors and proper physical distancing can be maintained;
7. When an individual is alone in a vehicle or is sharing the vehicle only with members of their household;
8. **When actively participating in physical fitness activities indoors or outdoors and physical distancing is maintained or other mitigation measures are used**;
9. When use substantively **interferes with the proper wear and use of personal protective equipment (PPE) necessary for one's duties**;
10. When personnel are in primary aircrew positions during **critical phases of flight or emergencies** or when using flight crew oxygen equipment.
11. When occupational personal protective equipment is being used (e.g., PPE used by personnel on the Respiratory Protection Program, surgical masks in a healthcare setting, fire fighters wearing supplied air respirators, Airmen wearing CBRN masks, etc.);
12. **When clear or unrestricted visualization of verbal communication is essential for safe and effective operations.**

[REDACTED] AFB's permissive non-masking under items 2, 3, 8, 10 and 12 pose as much or little risk as a religious accommodation granted by right under item 5. Fifth Circuit Court of Appeals Justice Ho (who sits alongside Capt [REDACTED] pathway to the U.S. Supreme Court, if such proves necessary) has stated "**public officials cannot devalue people of faith while elevating certain [nonreligious activities]. That would offend the First Amendment.**" *Spell v. Edwards*, 962 F.3d 175, 183 (5th Cir. 2020) (Ho, J., concurring) (emphasis added). Indeed,

The First Amendment does not allow our leaders to decide which rights to honor and which to ignore. In law, as in life, what's good for the goose is good for the gander. **In these troubled times, nothing should unify the American people more than the principle that freedom for me, but not for thee, has no place under our Constitution.**

Id. (emphasis added).

The Religious Freedom Restoration Act (RFRA) is repeated virtually verbatim in Department of Defense Instruction 1300.17.1.2, Policy:

e. DoD Components have a compelling governmental interest in mission accomplishment at the individual, unit, and organizational levels, including such necessary elements of mission accomplishment as military readiness, unit cohesion, good order and discipline, and health and safety. In accordance with RFRA and the

guidance in this issuance, **DoD Components will normally accommodate practices of a Service member based on sincerely held religious belief.**

Accommodation includes excusing a Service member from an otherwise applicable military policy, practice, or duty. In accordance with RFRA, if such a military policy, practice or duty substantially burdens a Service member's exercise of religion, accommodation can only be denied if:

- (1) The military policy, practice, or duty is in furtherance of **a compelling governmental interest.**
- (2) It is the **least restrictive means of furthering** that compelling governmental interest.

In applying the standard in Paragraphs 1.2.e.(1) and 1.2.e.(2), **the burden of proof is placed upon the DoD Component**, not the individual requesting the exemption.

(Emphasis added).

Here, assuming a compelling government interest in protecting the force from COVID via mandatory face coverings, a handful of non-vaccinated individuals who are granted a religious accommodation from mask wear pose little to no risk to other non-vaccinated individuals who are wearing masks. If masks are effective, they will continue to be effective and protect such other individuals. As for those who have been vaccinated and go without masks, the COVID shots will protect them from COVID.

Regardless (and in light of the many equally-risky or -benign exceptions outlined above) the least restrictive means is not a blanket denial of Capt [REDACTED] religious accommodation request, where DoDI 1300.17.1.e requires more than incantations of "good order and discipline" and "unit cohesion:" "the burden of proof is placed upon the DoD Component, not the individual requesting the exemption."

Accommodations could include reassignment to different rotation pods, flying with the same individuals every day, going home and doing office work after flying, or being placed on work-from-home status, or as Lt Col [REDACTED] suggested, **"Full Accommodation. I could fully grant the exception, and allow the member to report unmasked. I am not overly concerned of how this would affect the health of the squadron due to our high level of vaccination, and physical distancing procedures already in effect."**

If there was any case in which that discretion set forth in DoDi 1300.17 ought to be used in favor of the religious accommodation request, it is here. Capt [REDACTED] beliefs are clearly articulated; are religious in nature; and are sincerely-held. There has been no negative impact on good order and discipline, nor on unit cohesion. The risk of negative impact on these considerations is minimal to non-existent. With the lifting of the mask order for those who have received COVID shots, there are multiple individuals on base who are not wearing masks. The general presumption of non-masked individuals on Department property is that others they see without masks have received a COVID shot. Capt [REDACTED] does not intend to broadcast or announce his religious belief or his exception (if granted) to others on base.

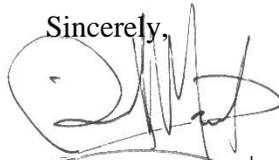
Capt [REDACTED] has sought to vindicate his rights quietly, through the chain of command. Capt [REDACTED] **retains the option of filing suit without additional exhaustion of administrative remedies**, if he does not receive administrative relief in accordance with his well-crafted appeals. If suit proves necessary, a "Court's grant of injunctive relief [c]ould prohibit [disciplinary actions against] a single officer currently based in [Mississippi]. It would in no way jeopardize A[ir Force] training or safety,

nor would it undercut an Executive branch national security determination. **One [highly trained fighter pilot] officer's attempt to vindicate his constitutionally and statutorily-protected religious rights does not “unduly interfere” with the ‘efficient administration of personnel matters.’** On the other hand, the public has a significant interest in having a diverse military, reflective of the composition of our country and accepting of religious minorities.” *Singh v. Carter*, 168 F. Supp. 3d 216, 235 (D.D.C. 2016) (granting temporary restraining order against Army prohibition of Sikh religious practice) (emphasis added).

A religious accommodation from mask requirements is not only a First Amendment matter – it is a matter of DoD and Air Force policy, appearing in no less than five documents - all mentioned above - with the lowest level iteration from [REDACTED] AFB. Repetition reinforces the great importance of religious free exercise, and religious accommodations. “Religious accommodation” as set forth in the above documents permitting exemptions from mask requirements must be real, not illusory; and available to the service member, not hortatory.

Liberty Counsel is monitoring this case with great interest. I urge you as Acting SECAF to 1) assign Capt [REDACTED] to a position that does not force him to choose between his love of Country and his love of God, while this appeal is under consideration; 2) grant Capt [REDACTED] religious accommodation request; and 3) reverse or revoke any current or contemplated disciplinary measures against him.

Thank you for your consideration.

Sincerely,

Richard L. Mast[†]

Attachment – Capt [REDACTED] [REDACTED]

CC

Via Email

[REDACTED] ++

[†] Licensed in Virginia.

⁺⁺ Licensed in [REDACTED]



DEPARTMENT OF THE AIR FORCE

SQUADRON

AIR FORCE BASE

10 June 2021

MEMORANDUM FOR SECRETARY OF THE AIR FORCE

FROM: CAPTAIN [REDACTED] Pilot

SUBJECT: Appeal for Religious Exception to DAF Guidance on Use of Masks

1. Sir, my sincerely held religious beliefs prevent me from wearing a mask and require an exception to policy. The AETC/CC, concurring with the denial of the 19 AF/CC, denied my appeal due to the Air Force's compelling governmental interest in protecting military readiness, unit cohesion, good order, discipline, and public health and safety during the COVID-19 global pandemic. It was stated that mask wear is the least restrictive means possible to support government interests and no alternative options would be explored or approved (Attachment 1). The AETC/CC used the same rationale in denial that was used by the 19 AF/CC despite my thorough rebuttal against each claimed impact to the compelling government interests. The AETC/CC did not attempt to refute my arguments, nor show that these supposed compelling government interests were in fact real and not theoretical. According to DoDI 1300.17.1.2, the burden of proof is on the DoD Component (Attachment 13). Thus far, the compelling government interest has been assumed and not proven, much less even attempted to be proven. I implore you to reverse the decision and grant me this religious exception in accordance with your policy from 16 Feb 21 (Attachment 4).

2. To begin, my religious beliefs do not permit me to wear a mask. Our Chaplain and other clergy have verified that my beliefs are sincerely held. I am a Christian. I believe that the Bible is the inerrant, inspired, sufficient, and authoritative Word of God. My beliefs and doctrine are derived from the Bible. The Secretary of the Air Force has identified an exception for mask wear in order to accommodate a sincerely held religious belief. In the Secretary's Memorandum, dated 16 Feb 21, it states, "In addition to identified Department of Defense exceptions for mask wear, the DAF-wide exceptions are as follows: (1) when necessary to reasonably accommodate a religious belief." (Attachment 4).

3. The [REDACTED] has also outlined this exception in the COVID policy guidance dated 16 Feb 21. Under the 5th General Exception, it states, "When necessary to accommodate a religious belief:" (Attachment 5). Additionally, AFD 52-2, dated 28 Jul 2020, contains the Air Force guidance on the accommodation of religious practices in the Air Force. Paragraph 1.3 states, "The Air Force expects commanders and supervisors to permit individual expressions of sincerely held beliefs (conscience, moral principles, or religious). Commanders may impose limits on such expressions when there is a real (not theoretical) adverse impact on military readiness, unit cohesion, good order and discipline, or public health and safety for both the individual and unit levels. Any imposed limitations will employ the least restrictive means possible on expressions of sincerely held beliefs." (Attachment 6).

4. The claimed impact to military readiness, unit cohesion, good order and discipline is purely theoretical and unsubstantiated. On the week of 22 March 21, after this exception was approved by my Squadron Commander and Group Commander, I returned to work. I fully carried out my duties as the squadron executive officer and as an instructor pilot, while not wearing a mask. Furthermore, since the availability of a vaccine, many individuals are now permitted to work and move about base without wearing a mask. A Captain, such as myself, would not hinder good order and discipline by being seen moving about base while not wearing a mask. So, not only have there been no real/tangible effects to good order and discipline that can be cited by command, my non-use of a mask would also not hinder good order and discipline in a theoretical sense as no one else should be privy to my vaccination status as it is protected health information. While “theory” is not the standard employed by the regulations pertaining to religious exemptions, it appears to be the operating assumption of command thus far.

5. Moreover, military readiness has only been hindered by the denial of my religious exception. Aside from one week in March, the [REDACTED] has been down one instructor pilot since 15 March 21. I have exhausted all my personal leave to allow for the [REDACTED] to rule on the exception and the 19 AF/CC to rule on the appeal. Due to the reversal of the exception by the [REDACTED] my mission check-ride currency has expired and I am now unable to instruct students until I am requalified, which drains squadron resources and hinders military readiness. Furthermore, with the policy change of 13 May 21 (Attachment 10) over 85% of the squadron is vaccinated and not wearing masks, so there is even less possibility for any impact to military readiness, unit cohesion, good order and discipline.

6. The claimed impact to public health and safety is also purely theoretical. COVID numbers both on [REDACTED] AFB and in [REDACTED] are at an all-time low. (Attachments 7 and 8). Vaccinations are at an all-time high. According to the [REDACTED] 85% of the [REDACTED] has been vaccinated. The base has experienced zero new cases in many weeks. According to [REDACTED] on 26 Mar 21 [REDACTED] AFB has zero active COVID-19 cases. Additionally, the mask guidance in the [REDACTED] is not being complied with, neither in the spirit nor the letter of the law/policy. Several of my counterparts have reported that mask wear is sparse in the [REDACTED] (before the policy change or vaccinations). To illustrate, after coming back from a leave of absence, one Captain had to ask if the rules had changed based on how many people were not wearing masks while at work. (They had not). Another example of this occurred while I was served with an LOC for refusing to violate my religious beliefs (Attachment 11 and 12). There were three other individuals present during the process; two of whom were unmasked and the other was not wearing a mask in accordance with CDC guidance or any of the military directives. Specifically, during the entire time, the mask was fit so loosely that his nose was completely exposed. I respectfully pointed out the irony of the situation, and there are dozens of other verifiable examples of these rules being violated and overlooked. Furthermore, on 8 June 21, while I was served an LOA, I met with one of the previously unmasked individuals from the LOC, who was now wearing a mask. When I inquired as to the reason, he stated that he had only received one dose and therefore was not fully vaccinated. Ubiquitous mask wear violations have been cited throughout this process and yet I am the only one targeted for enforcement of the policy. This does not scratch the surface on the pervasive noncompliance of the mask wear policy in the 14

FTW. It seems that I am either being selectively prosecuted for my religious beliefs or that there is a massive issue of disobedience and disregard for orders in the wing.

7. To provide a bit more background, the rules for mask wear changed on 13 May 21. According to the [REDACTED] (Attachment 9) fully vaccinated people are not required to wear masks to work. Those who are not fully vaccinated must continue wearing masks indefinitely or until they have been vaccinated for greater than two weeks. Now, with the change in policy, I am being discriminated against for not voluntarily getting a vaccine. I am now coerced to choose between violating my conscious on the matter of mask wear or violating my conscience by getting a unnecessary and supposedly non-coercive vaccine. Additionally, the DoD policy from 13 May 21 is not being followed. It states, "Commanders and supervisors should not ask about an employee's vaccination status or use information about an employee's vaccination status to make decisions about how and when employees will report to a workplace instead of teleworking" (Attachment 10). My chain of command is knowingly violating this policy by using my Protected Health Information to prosecute me for being honest about my beliefs.

8. The least restrictive means of accommodation have not been pursued in this matter. The [REDACTED] has repeatedly denied the request of my Squadron Commander and the Area Defense Counsel to permit telework in order to accommodate my religious request. In fact, no other means of accommodating my beliefs while furthering the government interests have been explored at all. The rationale given for a denial of telework was that, as a pilot, I am required to fly to do my job. As of 8 Jun 21, my flying status was suspended, and am unable to perform my primary duties as a pilot. Nevertheless, I have been denied telework despite numerous colleagues being granted the same privilege.

9. Having exhausted the entirety of my accumulated leave to allow for the religious exemption process to proceed, on 17 May 21 I returned to work. As promised, I received punishment for my refusal to violate my sincerely held religious beliefs in the form of a Letter of Counseling (LOC). On 8 Jun 21, I came to work and received a Letter of Admonishment (LOA). This process will continue so long as I am denied an accommodation to telework. In essence, I am being forced through a disciplinary process that will lead to eventual discharge or court-martial for expressing my religious beliefs.

10. From the beginning of this process, I have been upfront with my command about my religious beliefs. Instead of feigning compliance with mask requirements (like many of my colleagues) I chose to pursue a path of honesty with my leadership. Contrary to their assertions, my actions demonstrate a respect for command and authority rather than the cowardly path of feigned compliance. The [REDACTED] stated in an email on 14 May, changing the mask policy that, "Our first core value is Integrity. It is the first core value because nothing we do is possible without it. It is the basis of the trust necessary to be a part of this exceptional team. I ask that you act with integrity when implementing this guidance." My integrity was treated with derision and punishment when I acted in accordance with my sincerely held religious beliefs and requested the exception. It appears that the only kind of integrity that is permissible is governmental convenience.

11. The Constitution that we took an oath to support and defend against all enemies foreign and domestic recognizes the God given rights of free speech and free exercise of religion. The AETC/CC has denied my appeal on the basis of theoretical and unsubstantiated impacts to military readiness, unit cohesion, good order, discipline, and public health and safety. I hope you can plainly see that the government's interest are not truly impacted by my religious exception, and the least restrictive means have not been pursued.

12. There is a central question that has been avoided and left unanswered by all levels of my chain of command. It appears that this religious exception is being offered in name only. If my religious beliefs do not qualify for the religious exception offered by your policy, what is an example of one that does? The denial of this religious exception is a violation of the First Amendment to the Constitution of the United States and infringes upon my free exercise of religion. Furthermore, in accordance with the Religious Freedom Restoration Act, the least restrictive means of furthering the government's interest have not been pursued in the least. My religious freedom is substantially burdened by the unmitigated denial of this exception. I appeal to have this decision to deny my religious exception for mask wear overturned. Please help me preserve unaltered the inalienable rights granted by God and recognized by the Constitution.

13. Please contact me at [REDACTED] [us.af.mil](mailto:[REDACTED].us.af.mil) or [REDACTED] if you have any further questions. I would be happy to explain my beliefs further and answer any questions.

[REDACTED] Capt, USAF

13 Attachments:

1. AETC CC Denial of Religious Exception (1 page)
2. 19 AF CC Denial of Religious Exemption, dated 13 May 21 (1 page)
3. [REDACTED] Denial of Religious Exemption, dated 22 Apr 21 (2 pages)
4. SECAF Memorandum on Mask Wear, dated 16 Feb 21 (3 pages)
5. [REDACTED] Mask Wear Guidance, dated 16 Feb 21 (3 pages)
6. AFPD 52-2, *Accommodation of Religious Practices in the Air Force*, dated 28 Jul 20 (5 pages)
7. COVID new cases, dated 7 Apr 21 (1 page)
8. COVID numbers, dated 1 May 21 (1 page)
9. [REDACTED] COVID Policy, dated 13 May 21
10. Updated Mask Guidelines for Vaccinated Persons, dated 13 May 21 (1 page)
11. LOC, dated 20 May 21 (5 pages)
12. LOC Rebuttal, dated 20 May 21 (4 pages)
13. DoDI 1300.17, dated 1 Sep 20 (19 pages)