Congress of the United States
Washington, DC 20515

April 15, 2014

Honorable Deborah Lee James
Secretary of the Air Force
1670 Air Force Pentagon
Washington, DC 20330-1670

Dear Secretary James,

We are concerned that the Air Force has not updated its regulations on religious freedom and appears to have the most restrictive policy of any military service.

As you are aware, the last two National Defense Authorization Acts have addressed the importance of protecting religious freedom for those serving in our military. The law, as passed by Congress and signed by President Obama, is unambiguous and strong—it provides that "unless it could have an adverse impact on military readiness, unit cohesion, and good order and discipline, the Armed Forces shall accommodate individual expressions of belief."

Unfortunately, the August 2012 Air Force regulations which govern religious freedom and expression (AFI 1-1) are inconsistent with Congressional intent and current law. First, the Air Force regulation establishes novel limits on free speech and religion for those in leadership positions. The right to free speech and religion is a self-protecting right—not grounds for a bystander to silence a leader's speech simply because the bystander objects to certain opinions. AFI 1-1 introduces a subjective and unworkable restriction on a leader's ability to speak about their faith: the leader must avoid the "actual or apparent use of their position" to convey support for religious beliefs. However, "apparent" use is a hypothetical and undefinable standard that in practice allows for the silencing of all personal expression. AFI 1-1's limits on free speech and religion of those in leadership are both unnecessary and unconstitutional.

Second, the Air Force regulation states that free "exercise" and "practice" of religion should be protected, but apparently has determined elsewhere that free "expression" of religious belief is distinct from exercise and practice. This is clearly an unconstitutional interpretation, and is inconsistent with the law as reflected in the FY2013 and FY2014 National Defense Authorization Acts.

Lastly, the Air Force's interpretation and application of these regulations is even more problematic than the regulations themselves. In both public and private, Air Force officials

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have interpreted AFI 1-1 in a manner where section 2.11 (regarding government neutrality on religion) trumps section 2.12 (regarding the individual free exercise of religion). This interpretation and practice is inconsistent with federal law and the Constitution and the Air Force must correct this immediately.

The bottom line is the Air Force religious freedom regulations and practices are inconsistent with the Constitution and with current law. For all of these reasons we urge you to immediately revise AFI 1-1 and provide clear guidance on implementation to ensure that the Air Force adequately protects the religious freedom of all Airmen.

Sincerely,

Doug Lamborn
Member of Congress

Walter B. Jones
Walter Jones
Member of Congress

Trent Franks
Member of Congress

Rob Bishop
Member of Congress

John Kline
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Tim Huelskamp
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