INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
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ALEXANDRIA, VA 22350-1500

JAN 13 2017

Mr. Donald G. Rehkopf, Jr., Esq.
Brenna Boyce PLLC
31 East Main Street, Suite 2000
Rochester, NY 14614

Dear Mr. Rehkopf:

This is in response to your November 9 and 16, 2016, letters to Acting Inspector General Glenn A. Fine and me on behalf of the Military Religious Freedom Foundation regarding Air Force Chief of Chaplains Major General (Maj Gen) Dondi Costin's attendance and benediction at a Chaplain Alliance for Religious Liberty (CARL) event.

Thank you for the detailed and thought provoking analysis. We reviewed the material you submitted and conducted additional research and analysis. However, we found no basis to alter our earlier conclusion that Maj Gen Costin's attendance and benediction did not violate Department of Defense (DoD) or Air Force standards.

In considering your letters and affirming our earlier conclusion, we noted several points. Contrary to assertions in the letters, the CARL reception did not qualify as "partisan political activity" as defined in DoD guidance. The DoD definition has two components – activity supporting or relating to (1) candidates who represent or (2) issues specifically identified with, political parties and associated or ancillary organizations. The CARL event was an award reception recognizing a departing Member of Congress for his support of the principle of religious freedom for military personnel. Because the Congressman was not a candidate for office, the CARL reception fails to qualify as a "partisan political activity" under the first prong. Because the issue of religious freedom for military personnel is not specifically identified with the Democratic or Republican Party and associated or ancillary party organizations, the CARL reception fails to qualify under the second prong.

Similarly, the assertion that "Jewish and Muslim Chaplains could not become a member of CARL" because membership is limited to "only those who share their 'orthodox Christian truths'" does not appear to be accurate. CARL's membership category of "Partner" does not require applicants to agree with CARL's Statement of Common Faith or Statement of Beliefs.

Finally, as noted in your letter, whether particular circumstances create an appearance that the law or standards have been violated is determined from the perspective of a reasonable person with knowledge of the relevant facts. We have reviewed the relevant facts and did not conclude that a reasonable person would find the appearance of a violation of standards under the circumstances presented in this case.

Again, thank you for your analysis. We stand by our previous conclusion.

Sincerely,

Marguerite C. Garrison

Marguerite C. Garrison
Deputy Inspector General for
Administrative Investigations