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November 17, 2017

The Honorable Heather Wilson
Secretary of the Air Force
1670 Air Force Pentagon
Washington, DC 20330

Dear Secretary Wilson:

I want to express my deepest thanks for your service as Secretary of the Air Force. The threats facing our nation and the budget uncertainty forced upon on the Department of Defense require thoughtful leadership. Our nation is blessed to have someone with your breadth of experience and strong moral compass to navigate the Air Force through such trying times. Please know that I will continue to be an advocate for the Air Force to ensure the readiness and lethality of the force.

I am writing you today regarding the pending appeal of an Equal Opportunity complaint against Colonel Leland Bohannon. You are no doubt familiar with this case; therefore, I will not outline the finer details. However, I am disappointed in the process thus far with the Air Force's handling of Col Bohannon's case. While I am deeply concerned about Col Bohannon's specific situation, I believe his case transcends the particular issue he confronted and the results of this EO complaint have far-reaching implications for the Air Force and Department of Defense. Multiple mistakes and flawed policies contributed to the chain of events leading up to Col Bohannon's apparent career crossroads. First, is the flawed EO investigation; second, is the underlying policy used to substantiate the complaint, and finally is the lack of effort and consideration from Col Bohannon's Chain of Command to grant a religious accommodation.

Flawed Complaint

The basis for filing the EO complaint was grossly inadequate. The Air Force Instruction (AFI) 36-2706 states that in order to file a complaint, "...an individual **must be the subject of** the alleged "unlawful" discrimination or sexual harassment." The EO complaint is unfounded because the MSgt was not the intended recipient of the "spouse certificate;" therefore, he was not the subject of the alleged discrimination. In addition, there was no legal right to a spouse certificate of appreciation, thus no requirement for Col Bohannon to sign the certificate. His actions were not "unlawful."

Flawed Policy

That aside, the underlying policy used to substantiate the EO complaint is skewed. Col Bohannon's decision not to sign the certificate does not amount to **unlawful discrimination**. Even though the most recent additions to AFI 36-2706, dated February 9, 2017, significantly expanded the definitions of what the Air Force considers a protected group to include "sexual orientation," this new policy **contradicts current U.S. law**. Additionally, Congress and the Courts have rejected the notion that "sex" includes "sexual orientation." The Air Force does not have the liberty to define new legal protections and this should certainly not constitute the grounds to punish Airmen.

Religious Accommodation

Even with the flawed policy and flawed complaint, Col Bohannon's Chain of Command could have granted him a religious accommodation, but failed to do so. According to AFI 52-2 *Accommodations of Religious Practices in the Air Force*, the Air Force, "places a high value on the rights of Air Force members to observe the tenets of their respective religions..." and that "Airmen may request religious accommodations from military policy, practice, or duty. Unless the request would have an adverse impact on military readiness, unit cohesion, good order, discipline, or health and safety, the Air Force will approve in a timely manner an individual request for accommodation of a religious practice." The certificate that Col Bohannon refused to sign was not for a military member, it was not a legal document, nor was it required by law or Air Force policy. It effectively had zero impact to the military member and therefore no adverse impact on military readiness, unit cohesion, good order, discipline, or health and safety. If Col Bohannon's request did not constitute grounds for a religious accommodation, I am perplexed at what circumstances would allow for such accommodation.

The fact that the Air Force pursued a faulty EO complaint, endorsed a policy that contradicts U.S. law, and returned the religious accommodation "without action" leads me to believe that the Air Force does not value the rights of their members to observe their religious beliefs as the AFI states. Instead, if a military member attempts to uphold their beliefs, even in cases where there is no prospect of adverse impacts to a military member, they will be subject to Equal Opportunity complaints, endanger future promotion opportunities, or ultimately forced out of the Air Force ranks. In essence, the incident with Col Bohannon suggests the Air Force is screening the morals of commanders and giving them a choice to either hide their moral convictions, not act upon them, or not apply for command in the first place. All of these options contradict both the Air Force Core Values and the necessary attributes required by military members responsible for protecting this nation with lethal force. If this reasoning and policy remains in place, I believe it will have devastating impacts on the military. We must have leaders that are willing to stand up for their beliefs and a service that protects them—not turns their back.

In the short term, based on the aforementioned reasons, I hope you will consider reversing the substantiated complaint against Col Bohannon and allow him to compete at the next promotion board. However, that is not sufficient. We need your leadership to help undo some of the toxic policies enacted by the previous administration. Our military must remain focused on deterring and defeating our enemies, not tied up with social policies. Furthermore, our military members deserve the opportunity to freely exercise the very rights they swear to defend with their lives. I look forward to hearing the results of Col Bohannon's appeal as well as your plan ensure that no other commanders find themselves in the same place as Col Bohannon.

Sincerely,



Vicky Hartzler
Member of Congress