



August 10, 2018

**Via E-mail**

Colonel William J. Rice  
Commander, Special Warfare Education Group (Airborne)  
United States Army John F. Kennedy Special Warfare Center and School  
3004 Ardennes Street, Stop A  
Fort Bragg, NC 28310-9610

**Subj: Supplemental Matters in Defense Submitted on Behalf of Chaplain, Major Jerry Scott Squires, USA**

Dear Colonel Rice:

This correspondence supplements the Matters in Defense we submitted on behalf of Chaplain (CH) Scott Squires on August 6, 2018. This supplement is necessary because the information and exhibits referenced herein were not made available to us until August 7, 2018. We request that you forward both the matters we submitted on August 6, and the matters submitted herein to Major General (MG) Sonntag for his consideration as the approval authority.

**Summary**

MAJ Ford has either intentionally or negligently omitted a material fact from his Report of Investigation. MAJ Ford's findings and recommendation that CH Squires be found derelict in his duties are predicated on two false premises: MAJ Ford concluded that CH Squires 1) "failed to notify the command;" and 2) "failed to notify his technical chain of command" of the potential conflict. To the contrary, the evidence from MAJ Ford's own investigation shows that CH Squires took reasonable and prudent steps to notify both the command and his senior chaplain of the potential conflict.

**Chaplain Squires Notified Colonel Kornburger**

As explained in our August 6 letter, *within minutes* of meeting with SGT [REDACTED], in person, to explain the restrictions placed upon him by his ecclesiastical endorser, the North American Mission Board (NAMB), CH Squires notified SGT [REDACTED] commander, Colonel (COL) Kornburger. *See* Exhibit A. Thus, MAJ Ford's conclusion that CH Squires failed to notify the command is false.

**Chaplain Squires Notified Chaplain Winchester**

MAJ Ford's Report of Investigation contains a misstatement of material fact: "There is no evidence that Chaplain Squires sought out his Chaplain technical chain of command to discuss the appropriate way to provide for SGT [REDACTED] request . . ." Not

only is this statement materially false, there *is*, in fact, evidence in MAJ Ford's own investigation to the contrary.

In Exhibit U, CH Squires' senior chaplain, CH Winchester, provided a sworn statement to MAJ Ford as part of the investigation:

Q: Did you have any communications with CH Squires . . . regarding the Strong Bonds event prior to 1 Feb?

A: **Yes, 24 or 25 Jan, CH Squires in person had a discussion with me that a same sex person might register . . . CH Squires said he is going to talk to her, and during this they discussed potential COAs to include her in the event.**

It is a factual impossibility for CH Squires to fail to notify his chaplain chain of command when his senior chaplain stated that he notified him, in person, on the same date SGT [REDACTED] registered for the event.

Additionally, in Exhibit W, CH L'Eclair, the chaplain who eventually facilitated the Strong Bonds event in lieu of CH Squires, provided a sworn statement to MAJ Ford as part of the investigation. CH L'Eclair agreed that CH Squires did his duty to notify his command of the potential issue:

Q: What responsibility, if any, did Chaplain Squires have to inform the command, or you, an unrestricted Chaplain, of his inability to provide SGT [REDACTED] services during the scheduled Strong Bonds event prior to meeting with her?

A: No responsibility to tell me. He had a responsibility to tell the command of his perform and provide activities. I don't mean he has to run to the command and say he cant' do it . . . I mean he has a responsibility to do his job, which was to find a resource, me (or whomever), and reschedule. **He did do this. And he can tell the command along the way as he performs his duties. He was responsible in his duties the entire time as I see it.**

MAJ Ford either intentionally or negligently omitted this evidence from his Report of Investigation.

Moreover, CH Winchester and CH L'Eclair each directly contradicted MAJ Ford's finding that CH Squires was derelict in his duties. Recall that MAJ Ford found CH Squires to be derelict because he allegedly did not comply with Chaplain Corps policy regarding courses of action when same-sex couples register for Strong Bonds events that are facilitated by restricted chaplains:

Q: What, if any, policies did the U.S. Army Chaplain Corps adopt with respect to same-sex married couples and chaplains whose endorsement restricted their support to same-sex couples, after the Secretary of Defense published his 13 August 2013, memorandum: Extending Benefits to Same-Sex Couples of Military Members?

**A: There is no acceptable timeline on the amount of time a chaplain has to provide someone who can perform.**

Q: If the U.S. Army Chaplain Corps had policies in place addressing same-sex married couples and chaplains whose endorsement restricted their support to same-sex couples, how did the Chaplain Corps train chaplains in the field on what the policy was?

**A: No policy . . . There has been no particular training on same-sex.**

In her sworn statement, CH L'Eclair states there are no Chaplain Corps policies that prescribe a particular duty when it comes to mitigating same-sex couples who register for Strong Bonds events that are facilitated by restricted chaplains:

**“I am not aware of any policies regarding chaplains whose endorsement restricted their support for same-sex married couples.”**

**“I also understand that a chaplain has a right to minister with religious freedom and is not required to minister outside his or her denominational requirements.”**

**“I recall no specific training, except perhaps a reminder that we are professionals and treat folks with respect.”**

These statements clearly undermine and contradict MAJ Ford's entire factual predicate for his findings, conclusions, and recommendations. As a result, MG Sonntag cannot rely upon MAJ Ford's Report of Investigation when making his determination as the approval authority.

### **Major Ford's Report of Investigation Must be Rejected**

MAJ Ford's intentional decision to omit these material facts from his Report of Investigation demonstrate one of two possibilities:

- 1) MAJ Ford's anti-religious prejudice led him to a predetermined outcome, and he shaped his Report of Investigation to support only that outcome; or

- 2) MAJ Ford performed his investigative duties with a wanton and reckless disregard for the truth, at the expense of a two fellow Soldiers' careers.

MAJ Ford's recommendations, which are based on his findings and conclusions, include potentially career-ending administrative actions or a possible court-martial for violating the UCMJ. Investigating officers are responsible for exercising due diligence and care when performing their investigative duties. In this regard, MAJ Ford has failed to perform his duty. Indeed, one might even conclude that MAJ Ford himself should be found derelict in *his* duties.

Presumably, you will be afforded the opportunity to provide an endorsement when you forward this matter to the approval authority, MG Sonntag. You should provide a negative endorsement, recommending that MG Sonntag disapprove MAJ Ford's findings, conclusions, and recommendations due to his omission of a material fact. It would be improper for MG Sonntag to approve MAJ Ford's Report of Investigation when the investigating officer has misled him regarding material facts. Accordingly, the only just remedy is to disapprove the Report of Investigation in its entirety, and to unsubstantiate the EO complaint.

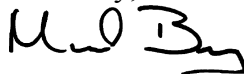
### **Conclusion**

For the foregoing reasons, and the reasons provided in our August 6 Matters in Defense, we respectfully request the following actions:

- 1) Disapproval of MAJ Ford's finding of unlawful discrimination against CH Squires;
- 2) Unsubstantiate the EO complaint; and
- 3) Ensure that any adverse or unfavorable information relating to the EO complaint is not included in CH Squires' service record.

We continue to desire to resolve this amicably, and I am willing to discuss this matter in person, if necessary. Should you deny this request, however, we are prepared to take the necessary legal actions to vindicate CH Squires' legal rights. I may be reached via e-mail at [REDACTED].

Sincerely,



Michael Berry  
Deputy General Counsel

Copy To:  
Senate Armed Services Committee  
House Armed Services Committee