

28 Feb 07

To: Secretary of the Navy, Honorable Donald C. Winter (Personally)
From: Chaplain Gordon James Klingenschmitt, LT, CHC, USN
Via: Commanding Officer, Naval Station Norfolk

Dear Mr. Winter:

1. Respectfully appeal to you personally, over the strenuous objections of Vice Admiral Harvey and Mr. William Navas, that you will halt (or delay) termination of my 16 year career and forfeiture of pension, until such time as all of my complaints against senior naval leaders are resolved, either by *competent impartial* investigators, or until the end of my legal case now in federal court. Some complaints remain unresolved (uninvestigated), delayed nearly two years.

2. I further directly appeal to you for personal review and signature by you, Mr. Winter, on each of the below-mentioned “completed” investigations, in which your “impartial” investigators intentionally covered up religious harassment by senior naval officials, failed to provide justice, and claimed to speak for you, when I cannot imagine you’d agree with them. For example:

A. When Captain James Carr punished me in writing for the “exclusive” content of my optionally attended chapel sermons and public prayers, he wrote: *“Had you led a positive ecumenical service, focusing on the shared beliefs of all present... the service would have been well received. Instead, your sermon during this event was very secular [sectarian] and perceived by most attendees as proselytizing...”* Investigators confirmed Chaplain Steve Gragg directly advised Carr to punish my sermons, then lied by claiming no involvement, contradicting his own testimony under oath 37 times, but the investigators refused to charge Gragg with perjury as I requested. Mr. Winter, do you agree with Captains Carr and Gragg, who punished a chaplain for quoting the Bible, in the chapel, during an optionally-attended service, advertised as a “Christian memorial service,” designed to honor the faith of one deceased Sailor, whom I had led to faith in Christ? If so, you dishonor the dead by punishing a chaplain for preaching that Sailor’s faith.

B. When Rear Admiral Ruehe investigated my complaint against Captain Carr’s religious harassment, he confirmed that I was indeed punished for my sermon, and also for the content of my prayers. He wrote: *“In all the material Lieutenant Klingenschmitt has submitted as part of this complaint ... he has not submitted any document that establishes he was required by his church to preach, on that occasion, the particular message he did. Presumably, if his bishop requires him to preach all the Gospels, and he’s not required to deliver that particular message on that particular occasion, he was free to choose to deliver a message at the memorial service that, while being true to his own beliefs, could also have commanded the assent of the vast majority of his audience. Nevertheless, Lieutenant Klingenschmitt chose to deliver a message he knew to be, by his own description, ‘exclusive.’”* So he authorized Captain Carr’s punishment of my optionally-attended chapel sermons. Then he confirmed Captain Carr also downgraded my evaluation for praying “in Jesus name” on the ship’s microphone, saying: *“Capt. Carr legitimately sought to ensure evening prayer had the broadest possible appeal.”* Mr. Winter, do you agree with Rear Admiral Ruehe and Ms. Anita Blair, who both refused to grant redress, even after confirming my allegations? If so, you are now firing a chaplain for quoting the Bible in the chapel during optional worship, and for praying “in Jesus name.”

C. When I appealed to Chief of Navy Chaplains RADM Lou Iasiello for help, he told me in writing on 23 Aug 05: *“Any chaplain’s continued insistence on ending public prayers ‘in Jesus name’ in all situations, without using discretion or regards to the venue or audience, could reasonably tend to denigrate those with different forms of faith.”* But that same week he lied to the Washington Post on 30 Aug 05, and he admitted his predecessor’s 1998 prayer policy directly violates the First Amendment: *“We don’t direct how a person’s going to pray. Because everyone’s own denomination or faith group has certain directives or certain ways of doing things, and we would never -- it’s that whole separation-of-church-and-state thing -- we would never want to direct institutionally that a person could or couldn’t do something.”* Iasiello said.” And yet he refused to rescind the 1998 prayer policy that labels evangelical chaplains “insensitive” and “incompetent” if we pray publicly “in Jesus name.” Will you rescind it?

Mr. Winter, do you agree with Chaplain Iasiello, that I’m insensitive and incompetent and denigrating others, when I pray publicly in Jesus name? If so, you directly persecute Christian chaplains for the content of their prayers, in violation of the Supreme Court’s reading of the First Amendment, in 1991 *Lee v. Weisman*: *“The government may not establish an official or civic religion as a means of avoiding the establishment of a religion with more specific creeds...The State’s role did not end with the decision to include a prayer and with the choice of clergyman. Principal Lee provided Rabbi Gutterman with a copy of the ‘Guidelines for Civic Occasions’ and advised him that his prayers should be nonsectarian. Through these means, the principal directed and controlled the content of the prayers. Even if the only sanction for ignoring the instructions were that the rabbi would not be invited back, we think no religious representative who valued his or her continued reputation and effectiveness in the community would incur the State’s displeasure in this regard. It is a cornerstone principle of our Establishment Clause jurisprudence that it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government, Engel v. Vitale, (1962), and that is what the school officials attempted to do.”* You can’t censor our prayers, not even in school. But your Naval Chaplain School (initiated by former director Chaplain Bert Moore), continues to distribute guidelines and lectures on “how to pray non-sectarian prayers,” in violation of this Supreme Court mandate. Mr. Winter, do you personally disagree with the Supreme Court? Will you defend the Constitution, and stop these lectures? Will you now fire me for opposing these lectures?

D. Sadly, my July 2005 complaints against Chief of Chaplains Lou Iasiello and Chaplain School Director Bert Moore are still unresolved and uninvestigated today, after nearly two years. More sadly, the Navy IG has declined to investigate 32 of the 37 complaints of “abuse” I filed against my current chain of command nearly a year ago. Mr. Winter, will you kick me out of the Navy before closing these age-old complaints? If so, you have violated the maxim of Dr. Martin Luther King, Jr., who said: *“Justice delayed is Justice denied.”*

E. When my current commander, CAPT Loyd Pyle, learned of my whistleblower complaint to the President, he directly punished me FOR APPEALING TO THE PRESIDENT by downgrading my 2006 evaluation, accusing me of “disrespect” because my report to Congress about Rear Admiral Iasiello’s harassment of my prayers accused him of “personally disregarding the Constitution and considering himself above the law.” (What else should a whistleblower complain to Congress and the President about?) By punishing my protected whistleblower speech, CAPT Pyle has raped a subordinate all over again, to punish him for crying rape. Mr. Winter, do you agree with CAPT Pyle, who conducted open reprisals and punished me in writing because I reported religious harassment to the President and Congress?

F. When Vice Admiral Harvey learned of my whistleblower complaints, he initiated open reprisals, as proven by his 22 Mar 06 email to CNO, just four hours after his lawyer learned my “whistleblower report” against SECNAV and Chief of Chaplains would be reported on the front page of the next day’s Washington Times. Vice Admiral Harvey wrote: *“Today, I positively endorsed and forwarded ... the request from [Naval Station, Norfolk, to] involuntarily release Chaplain Klingenschmitt from active duty due to lack of career potential. This officer is the individual who conducted a hunger strike in front of the White House several months ago and has engaged in other actions concerning [Department of Defense] and Navy religious ministry policies.”* He cited my letters to Congress as cause for my termination, and so directly violated the Whistleblower Protection Act, trying to fire me (and illegally withholding my regular commission) because I reported religious harassment. Mr. Winter, do you agree with Vice Admiral Harvey, that I should be fired for complaining about your illegal prayer policy to Congress? If so, you are illegally punishing a whistleblower to enact personal revenge, because I put YOU on the front page of the 23 Mar 06 Washington Times.

G. When Navy Judge CDR Lewis Booker enforced your “illegal” prayer policy (which restricted praying in Jesus name to Sunday chapel), he (and you) violated my inalienable right to worship in public, by punishing me at court-martial, for reading a prayer in uniform, at a press conference (outside of Sunday chapel). He wrote: *“Much of the weakness of LT Klingenschmitt’s argument is his insistence on reading “public worship” as that term is used in Section 6031 of title 10, United States Code, and the current Religious Ministries instruction, to mean the same thing as “worship in public.” It is clear, however, from testimony offered by two chaplains and from the Religious Ministries instruction (SECNAVINST 1730.7C), that “public worship” is a term of art: it describes a combination of setting, teaching, and interpretation that constitutes a “divine service.” One who reads a biblical verse or who recites a prayer at The Speaker’s Corner in Hyde Park is not engaged in “public worship,” although he may be worshipping in public...The order was lawful.”* I am now a federal convict, having been found guilty of the “crime” of worshipping in public in uniform, because YOU signed an illegal policy restricting prayers to divine services. 85% of America agreed your policy was wrong. So the week after my court-martial, when I drove to Washington, and showed Judge Booker’s outrageous quote to Senator Warner’s Chief of Staff, she promised Senator Warner would take direct action, which he did the next day, by announcing on the floor of the Senate: *“I am being besieged by telephone, by bloggers, by everything else....I am basically assured by the Department of Defense that they will comply; stay for the time being the most recent regulations, whatever they wish to call them, that have been sent out to their respective commands until Congress has had a reasonable time within which to decide whether they feel it is necessary to prepare for the President’s signature a new law. Mr. President, I ask unanimous consent that additional materials regarding this subject be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows: Department of the Navy SECNAV INSTRUCTION 1730.7C.”* And so, Mr. Winter, my friends in Congress ordered you to rescind your prayer policy, which you obeyed, but YOU HAVE NOT RESCINDED MY PUNISHMENT for violating that policy, and so you punish me today, evicting my family from our home, destroying my career, because I said a prayer in uniform outside of Sunday chapel. So I ask, Mr. Winter, do you still today agree with Judge Booker, who enforced your bad policy, even while Congress agreed with me, and ordered you to stop restricting our prayers?

H. When Chief of Navy Chaplains Bob Burt recommended I be fired for changing religious endorsing denominations, he violated Navy and DoD regulations that required him to “*recertify qualifications...upon receipt of a new endorsement.*” Despite receiving my new endorsement, he convened an illegal CARE board to consider my evaluations and court-martial (in which I was punished for my prayers and sermons), as their sole reason for failing to perform their statutory duty to “recertify” me, claiming instead their refusal to recertify me somehow fulfills their duty to recertify me (that defies logic). So Mr. William Navas (who has stopped all of my letters to the President from going forward via the chain of command, ask him), quickly ruled to fire me, claiming to speak for the Secretary of the Navy, when THE REGULATION REQUIRES SECNAV PERSONALLY APPROVE MY DISCHARGE. So I must ask, Mr. Winter, do you agree with your men, who eagerly terminate my career, for changing churches, and for praying publicly in uniform, and for quoting the Bible in the chapel?

3. Attached are petition signatures by leaders of tens of thousands of Americans who have asked SECDEF to keep his promise to “not enforce” and to “hold in abeyance” any enforcement of SECNAVINST 1730.7C, which you have rescinded, but you are still enforcing today against me, to kick me out for praying, violating your prayer policy, rescinded by Congress. Please relieve this public outrage, by granting justice, and restoring my career. Restore America’s faith in you.

4. As a whistleblower, it is my sad duty to notify you, that many lawless men have violated their oath to defend the Constitution, instead defending the institution to protect you, Mr. Winter, perhaps believing you wish to hide behind Navy lawyers, when I believe you’re no such coward. I therefore respectfully request, if you’re going to fire me, that you personally put your pen to my honorable discharge, if you agree with these men. I appeal to you directly, as a man of honor, to stand personally responsible before God, for firing this one Navy chaplain because he prayed and preached openly according to his faith, and publicly exposed many well-documented reprisals and harassments by men who hate religious freedom. Or, you could do the right thing, and call a meeting, and hold these men accountable for publicly misrepresenting your views. Considering how 68 other chaplains are also suing the Navy, perhaps a little house-cleaning (or at least a mild tongue-lashing) could help stop their cancer of religious harassment from spreading any further throughout our beloved Navy. I very respectfully await the courtesy of your personal reply.

//signed//

G. J. KLINGENSCHMITT

cc: Senators Inhofe, Warner, Cornyn, Brownback
Congressmen Reynolds, Jones, Hunter, Akin
Secretary Gates and DoD IG (I hereby request a new investigation.)
President Bush and Vice President Cheney
Washington Post, Washington Times, New York Times, Worldnet Daily, AP
and other friends who visit my web-site: www.persuade.tv

atch: Petition Signatures, Worldnet Daily 12 Jan 07, My article in *Proceedings* Jan 07

-----Original Message-----

From: Protin, James A CDR
Sent: Wednesday, February 28, 2007 11:21
To: Katz, Frank T CDR RLSO MIDLANT
Subject: Re: LT Klingenschmitt letter to SECNAV

CDR Katz,

SECNAV reviewed the letter. He does not plan on inserting himself into the process. So, from this perspective, you are cleared to continue with the plan to discharge LT Klingenschmitt.

v/r,
Jim

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