



May 1, 2013

OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155

*R.E.: Request for Information Made Pursuant to The Freedom of Information Act,
5 U.S.C. § 552, Concerning Statements Made by LCDR Nate Christensen*

Sent by facsimile ((571) 372-0500) and Federal Express for overnight delivery

Dear Sir/Madam:

This is a request under the Freedom of Information Act (5 U.S.C. § 552).

On April 30, 2013, Fox News reported that LCDR Nate Christensen issued a statement on behalf of the Pentagon that said that “religious proselytization is not permitted within the Department of Defense” and that “court martials and non-judicial punishments are decided on a case-by-case basis.”¹

Alliance Defending Freedom is a legal ministry that advocates for, and defends, religious liberty. We are troubled by these statements and believe that the policy they describe is blatantly unconstitutional. A ban on military personnel sharing their faith with others not only infringes the Free Exercise Clause of the First Amendment, it infringes free speech rights as well. We do not believe the United States Military can possibly justify this infringement. We further find it appalling and unacceptable that our Nation’s military seeks to deny its soldiers the very freedoms it asks them to defend.

Because we provide legal representation to a number of individuals who stand to be negatively impacted if this policy is enforced, we seek to determine the authority under which LCDR Christensen made the above-referenced statements. On behalf of Alliance Defending Freedom, I hereby request records of any communications regarding or relating to evangelism and/or proselytization within the United States military or any of its branches, and any policy discussion related to the same, between LCDR Nate Christensen and any of the following:

¹ Todd Starnes, Pentagon: Religious Proselytizing is Not Permitted, Fox News (April 30, 2013), available at <http://radio.foxnews.com/toddstarnes/top-stories/pentagon-religious-proselytizing-is-not-permitted.html> (last visited May 1, 2013).

- The Secretary of Defense.
- Any military employees of the Department of Defense.
- Any civilian employees of the Department of Defense.
- Any third-party advocacy organizations including, but not limited to, the Military Religious Freedom Foundation and the Southern Poverty Law Center, and/or anyone known to be a member of any such organizations.

To flesh out the request made in the previous paragraph, Alliance Defending Freedom asks that OSD/JS produce all responsive correspondence, memoranda, documents, statements, e-mails, text messages, letters, calendar or diary logs, facsimile logs, telephone records, call sheets, tape recordings, notes, and other documents and things that refer or relate to the foregoing matter in any way.

If any responsive record or portion thereof is claimed to be exempt from production under FOIA, sufficient identifying information (with respect to each allegedly exempt record or portion thereof) must be provided to allow the assessment of the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert denied*, 415 U.S. 977 (1974). Additionally, any reasonably segregable portion of a responsive record must be provided after redaction of any allegedly exempt material, as the law requires. 5 U.S.C. § 552(b).

Alliance Defending Freedom is a 501(c)(3) tax-exempt organization. I am an attorney employed by Alliance Defending Freedom. We are willing to pay fees up to the amount of \$100.00. If the fees will exceed this amount, please inform me before fees are incurred.

Please mail a copy of these records to me at Alliance Defending Freedom, 15100 N. 90th Street, Scottsdale, Arizona 85260 or email an electronic version of these records to me at jlalue@alliancedefendingfreedom.org. If you elect to charge a fee please enclose an invoice with your response.

If you are not the proper department to handle this FOIA request, please forward my request to the proper department and notify me by telephone at the number listed above.

Thank you for your consideration and assistance.

Sincerely,



Joseph E. La Rue

Legal Counsel

480-444-0020 (Office)

480-444-0025 (Fax)

jlalue@alliancedefendingfreedom.org