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Department of the Army Conscientious Objector Review Board

200 Stovall Street

Alexandria, VA 22332

COL James H. Henkins

Commander, 69th Air Defense Artillery Brigade

Fort Hood, TX 76544

Commanding General

III Corps, Fort Hood, TX 76544

Rebuttal Statement—Conscientious Objector Application of SGT Travis Bishop

To Whom It May Concern:

I represent SGT Travis Bishop in his conscientious objector application and personally attended the investigative hearing held at Fort Hood on August 4, 2009.

We submit this letter and accompanying material in rebuttal to the report and summarized transcript of the investigating officer, CPT Nathan Mein. I understand this letter and its enclosures will be placed in the record and forwarded to the Department of the Army Conscientious Objector Review Board for final determination.

As an attorney and advocate for the rights of servicemembers, I am deeply troubled by the quality of the investigation conducted. I believe that an unbiased and thorough investigation of SGT Bishop's application would have resulted in a recommendation that Bishop be classified as a conscientious objector. **Unfortunately, the "alleged"¹ chaplain's interview by LTC Leininger created a strong bias, that arguably tainted the entire process.**

There are other issues of error in the process besides LTC Leininger's report, though. As you will see in the discussion that follows, there were also serious errors committed by SGT Bishop's command chain, the C.O. Investigating Officer, and others, in the consideration of SGT Bishop's CO claim.

¹ I say "alleged" because the interview clearly did not meet the requirements of AR 600-43 § 2-3.

Justice demands that SGT Bishop be accorded his right to have his CO claim considered through an unbiased and neutral process, which is not what has happened to-date.

I. Standard of Proof and Rebuttal Introduction

Recommendations for approval or disapproval of a conscientious objector claim must be based on facts. *See* AR 600-43, app. C-15. As the federal courts phrase it, there must be a ‘basis in fact’ for denial of a conscientious objector application. *See Frey v. Larsen*, 448 F.2d 811, 813 (1971). Disbelief in sincerity “must be supported by objective facts in the record.” *Id.* An investigating officer’s mere disbelief in an applicant’s sincerity or motivation is not sufficient. *Rothfuss v. Resor*, 443 F.2d 554 (1971). Such conclusions must be based on facts. *See Shaffer v. Schlesinger*, 531 F.2d 124 (1976).

The regulation and the court decisions interpreting it demand serious inquiry into facts by an unbiased investigating officer. CPT Mein did not do this. The specific problems were that he (1) relied largely on the flawed report of LTC Leininger, (2) was biased against SGT Bishop because of his loyalties to LTC Leininger (as discussed below with regards to his reference to “my BDE Chaplain”), (3) gave weight to irrelevant evidence, and (4) made conclusory statements without first laying a basis of fact. Taken as a whole, CPT Mein's investigation suggests that prejudice and bias against conscientious objector applicants or, at best, a failure to perform thoroughly the task assigned him.

II. CPT Mein failed to follow the analysis set forth in the regulation

While a report perhaps need not be organized precisely in the same manner as the regulation, the structure of CPT Mein’s report indicates his failure to evaluate carefully all the evidence before him. AR 600-43 § 2-5(k)(5) provides:

At the end of the investigation, the investigating officer will prepare a written report in 4 copies. The report will contain . . . A statement of the investigating officer’s conclusions as to—

- (a) The underlying basis of the person’s professed conscientious objection (what applicant believes, and why).
- (b) The time period (being as specific as possible) in which the person’s belief became fixed.
- (c) Whether the belief constitutes conscientious objection (1-0 or 1-A-0) under this regulation.
- (d) The sincerity of the person, including reasons for such conclusions.

CPT Mein’s report indicates his belief that PFC Bishop is not insincere (the fourth step of this process). But he does not go through the three prior steps.

First, CPT Mein does not address the underlying basis of PFC Bishop's professed conscientious objection—what Bishop believes and why. Certainly this error could have been because LTC Leininger failed to delve into this in his statement (as I will discuss below), but there was still plenty of evidence in SGT Bishop's testimony at the hearing and in his initial CO application for CPT Mein to work from.

SGT Bishop made it clear that his professed conscientious objection to any and all participation in war is because of his Christian commitments, yet CPT Mein failed to address in detail what the source of SGT Bishop's beliefs were (in fact, CPT Mein said in his statement that he would not do this kind of analysis²). CPT Mein's failure to address this preliminary question in any kind of meaningful way is the first of many indicators of his disregard for the most significant piece of evidence in a conscientious objector application—the applicant's personal statement.

The second step calls for a conclusion as to when the professed beliefs became fixed; crystallization prior to enlistment is grounds for denial of the claim. *See* § 1-5(a)(1). Plainly, SGT Bishop's beliefs became fixed well after enlistment. CPT Mein's report does not address this question specifically, but rather gives his conjecture about the timing in which he “thinks” SGT Bishop decided to file for C.O. status.

The third step requires comparing SGT Bishop's professed beliefs with the regulation's definition of conscientious objection. If CPT Mein had done this step, it would have been very clear based on the record, that SGT Bishop's professed beliefs do indeed fit within the definition in AR 600-43.

CPT Mein's report focuses nearly exclusively on the fourth step—evaluating sincerity. However, as discussed in the next section, CPT Mein failed to offer any basis in fact for his conclusion that Bishop is insincere.

III. Line by line Rebuttal of CPT Mein's Report

A. Paragraph 2

CPT Mein States: “He was a self described “lazy Christian”³ until roughly the 18th of May, upon which he realized that he had a strong moral discrepancy with going to combat or supporting any agent that was involved in such activity (i.e. his unit and the Army).”

CPT Mein's statement here is less than clear. According to the SGT Bishop's testimony during his C.O. hearing, his concerns about the morality of war began when he was in Iraq. Those

² See paragraph 6 of CPT Mein's report.

³ SGT Bishop used the term “lazy Christian” to describe himself, in that he, like many young Christians, had moved away from active involvement in a faith community during his time as a young adult. However, SGT Bishop (as well as other witnesses at his C.O. hearing and trial) made it clear that his faith was growing and evolving.

views crystallized at a later point at time, but the tension over a “strong moral discrepancy with going to combat” began some time before May of this year.

B. Paragraph 3

CPT Mein said “He had made himself 'absent' that day and had spoken to legal counsel and 'friends' from a local 'advocacy group' known as Veterans Against the War and Power to Resist. After being AWOL, SGT Bishop returned to duty, filled with legal advice and information from other deserters. He had a C.O. packet in hand and subsequently turned it in. . . His statements reflect that the moment he found out what Conscious Objection was, he knew in his heart that he was a C.O. (the same day lawyer and the 'advocacy groups'). His beliefs timeline is that he was a 'lazy Christian' until basically the day their orders changed from Iraq to Afghanistan. He then began to read his Bible, and on the day before he missed deployment, he learned what C.O. was and immediately believed that he was a C.O.”

This excerpt is riddled with errors. According to the testimony presented, SGT Bishop did not speak to members of “Veterans Against the War and Power to Resist” during the time he was AWOL. SGT Bishop did state that he spoke to members of IVAW (“Iraq Veterans Against the War”), but no testimony was given that he spoke to an organization by the name of “Power to Resist.” Possibly CPT Mein meant to say “Courage to Resist,” the organization that did fundraising for SGT Bishop's legal defense, but that is just conjecture on my part.

Moreover, there is no evidence in the record that SGT Bishop spoke to other “deserters” while he was AWOL.

With regards to the issue of timing, we do not object to CPT Mein's description of SGT Bishop's discovery of his right to file C.O. status. At SGT Bishop's court-martial trial, we presented extensive evidence that he was never trained on the subject of C.O. (prior to a brief mention of the term at MEPS), and only learned about the process to file for C.O. when he spoke to G.I. advocates (both of whom testified at SGT Bishop's court-martial hearing). We argue that SGT Bishop already was a C.O., but only knew he had the right to act upon those beliefs at the later point in time.

CPT Mein fundamentally is attempting to punish SGT Bishop for the **U.S. Army's own failure** to provide training on a soldier's right to file for C.O. status under AR 600-43.

C. Paragraph 5

Starting in paragraph 5, CPT Mein plunges into his discussion of SGT Bishop's alleged lack of sincerity. (the fourth step of the analysis CPT Mein is charged with using, as discussed above) This is problematic because he has fundamentally skipped steps 1-3 (except for a very brief statement on the nature of SGT Bishop's beliefs in paragraph 4), and is now making conclusory statements prior to actually engaging in actual analysis (a serious problem, since

recommendations for approval or disapproval of a conscientious objector claim must be based on facts. *See* AR 600-43, app. C-15). This raises serious questions as to whether CPT Mein actually engaged in an objective inquiry into the nature of SGT Bishop's sincerity.

D. Paragraph 6

Paragraph 6 is fairly long, so I will discuss it in the sections below.

★ CPT Mein said : “I recommend disapproval and find the application to be insincere for multiple reasons. First, the timing of his application could not have been worse.”

We agree, however, this difficult timing is not SGT Bishop's fault, but it is that of the U.S. Army and his unit. In fact, at trial, CPT Hall, testifying for the prosecution, said that he never provided C.O. training to his unit.⁴

★ CPT Mein said: “Two, every single piece of evidence and witness he presented to me he met after his AWOL date and after speaking to his lawyer and the anti-war resisters. It seems rather suspicious that the Psychologist and the Ex Sergeant/Baptist Youth Minister had both been seen and contacted after the applicant sought legal counsel.”

SGT Bishop only learned of his right to file C.O. status a few short days prior to his scheduled deployment, so it is understandable that he would not yet have been preparing evidence for his C.O. hearing prior to his knowledge that the process to file for C.O. even existed. And SGT Bishop would have been a fool to not seek such testimony once he had made the decision to file for C.O. status. **Effectively, CPT Mein is attempting to penalize SGT Bishop for his lack of omniscience** (because he didn't know about AR 600-43 without being told it existed) **and for his seeking legal counsel** upon learning about AR 600-43.

★ CPT Mein said: “The Sergeant/Youth Minister is also a member and supporter of anti-war groups. SGT Bishop also began publishing anti-war documents on the internet and making 'You-Tube' videos in which he is a self proclaimed 'War Resister.' I doubt the sincerity of a person who knows how to say the right things to people after he has been coached and led astray by anti-war groups.”

We object strongly to the statement by CPT Mein that SGT Bishop was “led astray” by anti-war groups. The individuals that SGT Bishop sought moral, legal and spiritual counsel from simply did what the Army failed to do, educate SGT Bishop on his rights under AR 600-43. Those same individuals also told SGT Bishop that he should not break the law, but rather should seek to find a way under the law to follow the higher law of his conscience. These individuals did not lead SGT Bishop astray; they helped him to do what is morally right.

⁴ The trial transcript in *United States v. SGT Travis Bishop* is not ready yet, so we cannot cite to a particular point in the testimony. This reference is based on my own notes from the trial.

★ CPT Mein said: “He and his lawyer denied his involvement with a group that 'supports military objectors to illegal war and occupation and the policies of empire.' This group is called courage to resist. SGT Bishop has a blog on their web-page, his picture is on it, and his lawyer stated that the web-site and group are paying the legal fees for SGT Bishop.”

This statement is not true. SGT Bishop and myself did not deny involvement with Courage to Resist, but rather stated that we are not members of Courage to Resist.

Courage to Resist is a non profit organization that helped to publicize SGT Bishop's plight and to raise funds for his legal defense, which is essential since AR 600-43 § 2-5 (i) only permits SGT Bishop to be represented by counsel at his C.O. hearing “at no expense to the government.” SGT Bishop could not afford an attorney without outside assistance.

★ CPT Mein said: “I do not doubt that he believes in Jesus or his status as a Christian. Only God can decide that.”

CPT Mein says he does not doubt in SGT Bishop's belief in Jesus or his status as a Christian. This is strange because SGT Bishop explains that his faith in Jesus forbids him from participating in war of any kind. As difficult as it may be, since SGT Bishop makes this claim, CPT Mein is charged with evaluating both the nature of SGT Bishop's beliefs and the depth of his beliefs. CPT Mein's statement here shows clearly that he deliberately chose to not engage in one of the required steps in his analysis of SGT Bishop's C.O. claim.

★ CPT Mein said: “Based on the timing of his 'discovery,' his hiatus while AWOL including anti-war demonstrations and you-tube videos and blogging, his distasteful remarks about my BDE Chaplain posted on the internet, the same Chaplain's disapproval of the application, his entire Chain of Command disapproving of his application...”

I would call to your attention the exact words that CPT Mein used in this paragraph, “his distasteful remarks about **my** BDE Chaplain.” CPT Mein has displayed his own bias by stating that LTC Leininger is “my” chaplain. This is a serious problem. (see AR 600-43 app. C-11 which states that the investing officer must be “disinterested.”)

Furthermore, SGT Bishop's remarks about LTC Leininger are categorically not distasteful. You can read those remarks for yourself in the record (in the blog entry by SGT Bishop). SGT Bishop stands by those words, as do several members of the faith community who have written supporting letters on SGT Bishop's behalf. The truth, as we will discuss below, is that LTC Leininger (1) did not conduct a proper chaplain's interview, (2) does not understand AR 600-43, and (3) does not understand and believe in the role of conscience in the Christian religion.

★ CPT Mein said: “... his malingering at the ER and clinic the same day he was supposed to fly to Afghanistan”

SGT Bishop did not “malinger” at the ER clinic. Malingering is a crime which SGT Bishop has not been convicted of. We strongly object to this statement.

★ CPT Mein said: “... and the downright obviousness that his lawyer coached his every word is evidence enough for me to recommend disapproval.”

I would call to your attention SGT Bishop's own hand-written rebuttal. I would also call to your attention that SGT Bishop is a very intelligent man. (he had a 128 GT Score) Certainly SGT Bishop was given information about his rights and the core provisions of AR 600-43, however, the specific verbiage of both his C.O. claim and his testimony were completely his own.

IV. Line by line Rebuttal of LTC Leininger's Alleged “Chaplain's Report”⁵

A. Paragraph 1

LTC Leininger states: “I am affording a pastoral counseling session to SGT David T. Bishop at his request as part of his application for Conscientious Objector status per regulatory guidance. We formally met and discussed his request on 29 June 09, 1300-1400 hrs. in my office.”

It appears from the first sentence that LTC Leininger does not understand his role in the C.O. claim process. AR 600-43 § 2-3 makes it clear that this interview is not a “pastoral counseling session,” because there is no protection of clergy privilege in this session, and in fact the regulations make it clear that if the CO applicant had already established a clergy relationship with a certain chaplain, that a different chaplain would be charged with conducting the interview.

Also we strongly object to the statement that LTC Leininger met with SGT Bishop from 1300-1400. The actual interview was for approximately 20 minutes, and was interrupted at points by LTC Leininger taking phone calls and text messages on his cell phone. At trial, under cross-examination, LTC Leininger stated that the interview was for one hour and that he did take phone calls. I reminded him that he was under oath, and he stated again on the record that SGT Bishop's version of events is not accurate.

Based on this discrepancy between the statements of LTC Leininger and SGT Bishop, we would ask that prior to final disposition of SGT Bishop's claim, that LTC Leininger present his cell phone billing records for 1300-1400 on the day in question to the convening authority. We believe that the phone bills will show that SGT Bishop is telling the truth.

⁵ The quotation marks are intentional, because LTC Leininger's statement does meet the requirements for an actual Chaplain's report under AR 600-43 § 2-3.

B. Paragraph 3A

LTC Leininger states: "SGT Bishop's basis for applying for C.O. status is for personal religious reasons that have arisen since his unit was notified in February 2009 of the unit's deployment to Afghanistan by May 2009.... "

This statement is incomplete at best. If LTC Leininger had actually conducted a full and thorough C.O. chaplain's interview, he would have said that SGT Bishop's religious qualms against war began to surface during his first deployment in Iraq. While it is difficult to pinpoint the specific moment of the "crystallization" of belief, it is very clear that SGT Bishop's issues about war began long before February 2009.

LTC Leininger goes on to explain that he doubts the sincerity of SGT Bishop's beliefs because he had "simultaneous contacts with two anti-military groups, one of which is called 'The Iraq Veterans Against the War.'"

We object strenuously to the characterization of IVAW (Iraq Veterans Against the War) as being an "anti-military" organization. Nothing is further from the truth. One of the founding principles of IVAW is that they are committed to seeing that all military servicemembers receive adequate medical care and all benefits they are entitled to. This goal certainly is not one that is "anti-military" in nature.

From there, LTC Leininger goes on to explain that he believes that the statements by SGT Bishop were "coached statements coming from an external source." The evidence presented, both in SGT Bishop's C.O. hearing and in his court-martial, clearly rebut this point. SGT Bishop received **no coaching of any kind on specific verbiage** for his C.O. application or hearing testimony. As stated above, SGT Bishop is an intelligent man; he is very capable of expressing his own views with clarity.

C. Paragraph 3B

LTC Leininger says: "The source of SGT Bishop's beliefs: SGT Bishop describes his family heritage as non-practicing Christians. He says the closest church denomination that best describes his religious heritage is Baptist, akin to our US Army Collective Protestant groups in orthodox and liturgy. Conservative Evangelical groups as described are generally pro-military service with no pacifistic tendencies in doctrine or practice. In fact they make good soldiers. That SGT Bishop has no known local church affiliation and no denomination for review in support of his request is a significant negative factor in my opinion."

LTC Leininger miserably failed in his duty under AR 600-43 § 2-3. Instead of actually talking to SGT Bishop and asking about the specific nature of his religious beliefs (i.e. what scriptures does he rely on to support his viewpoint, what does his conscience tell him about war, etc.),

LTC Leininger instead decided to discuss the general religious tendencies of “Conservative Evangelicals” (which itself is a less than perfect term, since SGT Bishop describes himself as a “non-denominational Christian similar in beliefs to that of the Baptists”)

Moreover, LTC Leininger is dead-wrong about the beliefs of many Conservative Evangelicals. Here are a few important facts that illustrate this point:

- Many other Evangelicals have filed for and in some cases received C.O. status⁶
- There is a significant range of diversity among Evangelicals on the morality of war⁷
- Many Evangelical denominations, including the Baptists⁸ have doctrinal statements that support freedom of individual conscience.

It is clear that SGT Bishop's beliefs, while not the majority position among Evangelicals, are also not outside of the mainstream of Evangelical belief.

Moreover, LTC Leininger still has not done his duty. **The issue before him is not what Evangelicals believe about war, but rather what SGT Travis Bishop believes about war, and LTC Leininger did not answer that question.**

Finally the issue of local church affiliation is only tangentially germane to this inquiry. A soldier does not have to be a member of a local church or denomination to be a C.O. But it is important to note that, according to SGT Bishop's beliefs, that he **is** a member of a church, that is the Church established by the early followers of Jesus on Pentecost Sunday, in the year 33 A.D. This universal church is what every follower of Christ is a part of. SGT Bishop made this very clear on his C.O. application, but LTC Leininger chose not to note or discuss it.

D. Paragraph 3C

LTC Leininger says: “SGT Bush's demeanor and lifestyle as they bear on his claim: Aside from recent personal private prayer and Scripture readings I see no lifestyle behavior that would affirm a legitimate claim for C.O. status.”

⁶ Two examples that have been mentioned in the media are Jake Malloy (*See <http://www.columbiamissourian.com/stories/2006/07/30/sincere-disapproval/>*) and Daniel Blaine (*see <http://www.dailycollegian.com/2.10120/veterans-grannies-protest-war-1.1345440>*) both of whom are Baptists.

⁷ Some notable examples of this diversity include the work of Baptist Peace Fellowship (<http://www.bpfna.org/>), and Evangelicals for Social Action (<http://www.esa-online.org>).

⁸ The Baptist Faith and Message (the confession of faith of the Southern Baptist Church, *see <http://www.sbc.net/bfm/bfm2000.asp>*) provides a clear statement in support of conscience and the necessity of disobedience to laws that violate conscience in section XVII (Religious Liberty). I will discuss the content of this text in more detail below.

Two things are worth noting about this paragraph. First, it appears that LTC Leininger may have used a sample letter from a previous C.O. case (presumably one regarding a SGT "Bush"). This in and of itself is not wrong, but based on the paucity of evidence presented by LTC Leininger, one must wonder how much of this statement is based on the interview with SGT Bishop and how much of it was pre-determined ahead of time.

Moreover, LTC Leininger is failing to recognize that SGT Bishop's statements to the press and online are in fact acts of religious conviction. Christians are called by Jesus to "not hide their light under bushel basket"⁹ and to be a public witness to what they believe in. In fact it was the early followers of Christ who so clearly articulated their belief in the morality of civil disobedience when they stated "we must obey God rather than human authority."¹⁰ CPT Mein has gathered significant evidence of SGT Bishop's willingness to speak out about what he believes, which helps to show the depth of SGT Bishop's convictions.

Surely LTC Leininger could have talked about this with SGT Bishop in order to understand that speaking out about one's beliefs is a core part of the Christian faith.

E. Paragraph 3D

This paragraph is packed with multiple statements that must be addressed, so I will address them individually below.

★ LTC Leininger says: "Specific reasons for my claim: SGT Bishop has no known past affiliation with a pacifist leaning religious body."

This is not a requirement for C.O. status according to AR 600-43 § app. D-4 (c) and AR 600-43 § 1-5 (b). The fact that LTC Leininger raises this issue illustrates his gross ignorance of AR 600-43, a document he should know well as a high ranking Chaplain.

★ LTC Leininger says: "... He has no documentation from like officials to support his position. He has no current local organized religious affiliation."

Again, being affiliated with a local church is not a requirement for C.O. status under AR 600-43 § 1-5 (b).

⁹ Matthew 5:14-16 says : You are the light of the world. A city built on a hill cannot be hidden. No one after lighting a lamp puts it under the bushel basket, but on the lampstand, and it gives light to all in the house. In the same way, let your light shine before others, so that they may see your good works and give glory to your Father in heaven." (NRSV)

¹⁰ Acts 5:27-29 says: "When they had brought them, they had them stand before the council. The high priest questioned them, saying, 'We gave you strict orders not to teach in this name, yet here you have filled Jerusalem with your teaching and you are determined to bring this man's blood on us.' But Peter and the apostles answered, 'We must obey God rather than any human authority.'" (NRSV, emphasis added is my own)

★ LTC Leininger says: “He is in regular contact with known anti-war groups coaching him on verbiage (sic) to help him shape his argument.”

As discussed above, SGT Bishop received NO coaching on verbiage from any “known anti-war groups.” It is also important to note that one of the “known anti-war groups” that SGT Bishop has had contact with is “Christians for Peace,” a local organization in Waco, illustrating clearly how SGT Bishop's ties to “anti-war groups” are, in part, based on religious conviction.

★ LTC Leininger says: “ His conversion is conveniently timed with his unit's DEPOD, and in fact faces UCMJ for allegedly Missing Movement and going AWOL according to his NCO.”

SGT Bishop has, in fact, since been convicted of said offenses. This is important to note because it shows the depth of SGT Bishop's belief. He chose to go to jail rather than fight.

Also the issue of bad timing, in and of itself, does not preclude the validity of a C.O. claim. (see AR 600-43 § 1-5 (a) (5) (c))

F. General statements in rebuttals of LTC Leiniger's statement

Please see the attached letters by the following clergy members who speak as people of faith and conscience on the case of SGT Bishop¹¹:

- Rev. Judith Liro, St. George's Episcopal Church-St. Hildegard's Community, Austin, TX
- Rev. June Wilkins, Associate Pastor, St. Martin's Lutheran Church, Austin, TX
- Dr. Rev. Jim Rigby, St. Andrew's Presbyterian Church, Austin, TX
- Rev. Donald Bobb, Retired Minister, Presbyterian Church (USA)
- Thad Crouch, U.S. Army veteran and Roman Catholic layperson

I also wish to bring special attention to the following excerpt from the statement by Thad Crouch (emphasis added is my own):

When asked by the defense if LTC Leininger knew of any religions that might require someone to break the law to follow their conscience the chaplain responded under oath, “Sadly.” Responding to the question were citizens in the civil rights movement right to break the law he stated, “I’m sure they thought they were.” Leininger further stated that when following conscience one must “ALWAYS follow... civil law.”

¹¹ SGT Bishop is anticipating additional letters to arrive in the coming days, which he can present if needed in the future.

Has he not read Acts 5:29 "... better to obey God rather than men" or that our nation's founders chose conscience over British law?

Does this minister not recall why Daniel ended up in a lions' den, how women got the vote, why the heroes who stopped the My Lai Massacre were given Soldier's Medals?

Has he forgotten that the Israelite mid-wives disobeyed Pharaoh by not murdering babies, or that George Washington became a British traitor because of his democratic ideals?

To follow the way of Christ Incarnate and proclaim the Gospel of Life in a culture of death and violence often means the Body of Christ Incarcerated.

Mr. Crouch's statement clearly shows the fundamental problem with LTC Leininger's theology, and how that theology has caused this chaplain to write a biased and legally deficient chaplain's statement. Or to say it another way, it is impossible for a chaplain who doesn't believe in the supremacy of conscience in certain circumstances, to effectively participate in a conscientious objector proceeding.

I also would like you to consider LTC Leininger's testimony at trial, in contrast with the clear statements in support of conscience from *The Baptist Faith and Message*, the confession of faith of the Southern Baptist denomination¹² (emphasis added below is my own):

XVII. Religious Liberty

God alone is Lord of the conscience, and He has left it free from the doctrines and commandments of men which are contrary to His Word or not contained in it. Church and state should be separate. The state owes to every church protection and full freedom in the pursuit of its spiritual ends. In providing for such freedom no ecclesiastical group or denomination should be favored by the state more than others. Civil government being ordained of God, it is the duty of Christians to render loyal obedience thereto in all things not contrary to the revealed will of God. The church should not resort to the civil power to carry on its work. The gospel of Christ contemplates spiritual means alone for the pursuit of its ends. The state has no right to impose penalties for religious opinions of any kind. The state has no right to impose taxes for the support of any form of religion. A free church in a free state is the Christian ideal, and this implies the right of free and unhindered access to God on the part of all men, and the right to form and propagate opinions in the sphere of religion without interference by the civil power.

¹² See <http://www.sbc.net/bfm/bfm2000.asp>

It is interesting that this “conservative evangelical” denomination has affirmed that a Christian could be compelled to break the law for the sake of conscience, in contrast with what LTC Leininger has stated on the subject.

VI. Line-by-Line Rebuttal of CPT Christopher M. Hall's Report

The key points that we wish to discuss in rebuttal of CPT Hall's report are: (1) why SGT Bishop could serve in Iraq but not Afghanistan, (2) the issue of timing, (3) why SGT Bishop is **both** a war resister and a conscientious objector, and (4) the identical passages in CPT Hall's statement and 1SGT Gall's statements.

A. Paragraphs 3 and 4

These paragraphs are **IDENTICAL** to paragraphs 3 and 4 of 1SG Gall's letter, which calls into question the credibility of both CPT Hall's and 1SG Gall's statements.

B. Paragraph 5

CPT Hall said: “SGT Bishop went on the last deployment to Iraq. Iraq and Afghanistan are both considered the War on Terror. I don't see the difference as far as the Soldier should be concerned other than, in Iraq, the Soldiers live in air conditioned trailers, and in Afghanistan they live in tents.”

CPT Hall is missing the point. SGT Bishop was **not** a conscientious objector when he deployed to Iraq. He believed in the mission and went there with a clean conscience, however, while there he began to have serious reservations and doubts. Still these doubts did not yet rise to the level of conscientious objection until much later, when he was back in the United States. By the time he received orders to deploy to Afghanistan, he had very different views on the morality of war.

C. Paragraph 6

CPT Hall said: “If the information above is taken as a timeline, I feel that SGT Bishop's request for CO status is a “final attempt” to avoid deploying to Afghanistan. First, he tried to be classified as non-deployable due to a back injury. Second he went AWOL and admitted on a public video that he was a War Resistor. Then, after meeting with a lawyer, he came back from being AWOL and filed for CO status requesting an Honorable Discharge from the Army. In my opinion, he should not be awarded CO status and he should be forced to face the Courts Martial for his previous actions.”

We concede that the timing issue is problematic, however, many soldiers do not have the crystallization of belief necessary to file for C.O. status until they are faced with a difficult moral decision, which is something that is recognized by the regulations.

According to AR 600-43 § 1-5 (a) (5) (c) (emphasis added is my own):

*Applicants may have sought release from the Army through several means simultaneously, or in rapid succession (medical or hardship discharge, and so forth). They may have some major commitments during the time their beliefs were developing that are inconsistent with their claim. **They may have applied for conscientious objector status shortly after becoming aware of the prospect of undesirable or hazardous duty** or having been rejected for a special program. **The timing of their application alone, however, is never enough to furnish a basis in fact to support a disapproval.** These examples serve merely as indicators that further inquiry as to the person's sincerity is warranted. Recommendations for disapproval should be supported by additional evidence beyond these indicators.*

CPT Hall also discusses the fact that SGT Bishop refers to himself on the internet as a “war resister.” This is not in anyway germane, because a person very well may be both a “war resister” and a “conscientious objector.”

For instance, comparing the recent case of SPC Victor Agosto (a war resister convicted in a summary court-martial at Fort Hood) with that of SGT Bishop, provides a great example of how those terms may be used. Both Agosto and Bishop have taken specific actions to “resist” participation in war, hence they are both “war resisters.” However, the two soldiers had different motives. Agosto was not opposed to all wars, but only to specific wars (in this case the war in Afghanistan), while Bishop is opposed to all wars for reasons of conscience; hence Agosto does not meet the criteria for C.O. status, while Bishop does.

SGT Bishop is **both** a war resister (because he refused to deploy and is going to prison for it) but he is also a conscientious objector (because he is opposed to all wars for reasons of conscience).

VII. Line by line Rebuttal of FSGT Gall's Report

A. Sections 3 and 4

These paragraphs are **IDENTICAL** to paragraphs 3 and 4 of CPT Hall's letter, which calls into question the credibility of both CPT Hall's and 1SG Gall's statements.

B. Section 5

★ 1SG Gall said: “In the article posted on couragetoresist.com SGT Bishop briefly mentions his reading of the Bible, the training he received along with his worries of deployment, and his political views as to why he is against the war. After reading this article I feel SGT Bishop is giving these three different reasons to justify his actions. The only mention of his religious

beliefs is to 'turn the other cheek' and, 'love thy enemy'. He never expresses his personal religious beliefs and why they would cause him to become a noncombatant. He simply claims to have read the bible."

1SG Gall says that Travis doesn't talk about his personal religious beliefs except to "only mention . . . 'turn the other cheek' and, 'love thy enemy'." 1SG Gall is wrong to minimize these two statements. **These are not mere platitudes but rather are at the very core of the teachings of Jesus Christ.**

SGT Bishop is not a theologian but rather is an ordinary follower of Christ. He has his failings but he is trying his best every day to more faithfully follow the way of Jesus. If he expresses his religious beliefs simply, it is because he wants to focus on what is most important. To truly live out the ideal of loving one's enemies is a lifelong journey.

Furthermore, AR 600-43 (in the glossary section of the appendices) specifically states: "Beliefs can be deeply held even though they lack sophistication. Care must be taken to avoid the inference that an applicant who lacks sufficient insight or knowledge to express his or her beliefs clearly does not hold the belief."

★ 1SG Gall says: "He then mentions his worries of being prepared to deploy. He completed all training for the deployment which would include weapons training. If he truly had a strong religious belief against participating in war then according to the regulation he should have come forward at that time to support the claim of being a conscientious objector. The regulation clearly states participation as a combatant (including training in tactics or weapons) should also be avoided by the individual."

As explained above, SGT Bishop did not know he had the right to file for C.O. status at the time he was doing pre-deployment training, hence there is no way he could have known that C.O. applicants are to be assigned duties that conflict as little as possible with their beliefs. Also the burden of providing non-combatant duties during training rests on the command, not the C.O. applicant.

★ 1SG Gall says: "Lastly, SGT Bishop mentions his political standing stating he believes this war is unjust, unconstitutional, and a total abuse of our nation's power and influence. Under Army regulation 600-43 it states a conscientious objector is a person who is sincerely opposed, because of religious or deeply held moral or ethical (not political, philosophical, or sociological) beliefs. These statements made by SGT Bishop are contrary to his claim as a conscientious objector and should cause anyone to further question the validity of his claim as being such."

It is true that beliefs against war that are **solely** based on “political, philosophical or sociological” beliefs are not eligible for protection under AR 600-43, however, in 1970 the US Supreme Court in *Welsh v. United States* (398 U.S. 333, 342) declared that:

We certainly do not think that (the) exclusion of those persons with “essentially political, sociological, or philosophical views or a merely personal moral code” should be read to exclude those who hold strong beliefs about our domestic and foreign affairs or even those whose conscientious objection to participation in all wars is founded to a substantial extent upon considerations of public policy.

What this means is that a conscientious objector is allowed to have strong political opinions about war, public policy or any other subject. SGT Bishop is politically opposed to war, but he is also conscientiously opposed to war.

C. Section 6

1SG Gall says: “There is another contradiction in SGT Bishop's claim to be a noncombatant. He voluntarily entered an Army at war and completed a deployment in support of Operation Iraqi Freedom. The wars in Iraq and Afghanistan are both considered the War on Terror and according to Army Regulation 600-43 if he or she is willing to defend the United States, he or she cannot choose when and where.”

1SG Gall is wrong. There is no contradiction here. As discussed above, SGT Bishop was not a conscientious objector at the time of his deployment to Iraq.

VIII. General Rebuttal of CPT Denson's Statement

SGT Bishop was injured on the night in question and sought medical care. CPT Denson did not give him an x-ray, an MRI or any other standard diagnostic process to determine if he had a physical injury other than a cursory physical examination. This failure by her to provide adequate medical care calls into question the validity of her statement.

IX. General Rebuttal of Mr. Carter's Statement

In rebuttal, I will provide this excerpt from SGT Bishop's attached personal rebuttal:

The statement made by SGT Carter is 100% false. Carter was facing UCMJ charges for marijuana abuse and it is my firm belief that his statement was coerced, and that his statement would lessen my punishment. He was chaptered out of the Army as an E-4 for marijuana abuse. I think that is the lightest sentence for drug abuse I have ever heard of. I never told him that I intended not to deploy. He lied in his sworn statement, and I believe his “punishment” is a testimony to that.

X. Line by line Rebuttal of CPT Minter's Report

A. Section 1

CPT Minter says in part, "I find that the investigation is legally sufficient, and all procedural safeguards have been met."

I strongly disagree. The legal errors committed in the processing of SGT Bishop's C.O. claim (as summarized in the conclusion) are beyond mere "harmless error." SGT Bishop has been denied his right to fair and impartial process.

B. Section 1-C

CPT Minter says: "The applicant underwent a chaplain's interview and psychiatric review in accordance with AR 600-43, paragraph 2-3."

As discussed above, LTC Leininger did not conduct an actual chaplain's interview that met the criteria of AR 600-43, hence SGT Bishop has been denied his due process rights.

C. Paragraph 1-e

CPT Minter said: "The investigating officer notified the applicant of his right to submit a rebuttal statement in accordance with AR 600-43, paragraph 2-5. SGT Bishop has failed to submit any such statement."

This packet is the rebuttal statement presented in accordance with AR 600-43. SGT Bishop received all of the C.O. packet (including the decision by CPT Mein) on August 21, 2009. This rebuttal is being submitted on August 31, 2009, which is within the 10 day time limit.

D. Section 2

CPT Minter said (emphasis added is my own): "In accordance with AR 600-43, paragraph 1-5c, SGT Bishop bears the burden to demonstrate by clear and convincing evidence that by reason of religious training or belief, he sincerely objects to participation in war in any form and that his religious convictions prevent him from fulfilling his service obligation. The evidence shows that SGT Bishop is not sincere in his claimed religious objections to war. **There has been no evidence produced to establish that SGT Bishop believed participation in war in any form to be immoral before he went AWOL on or about 20 May 2009.** By SGT Bishop's own admission he had not even voiced any doubts regarding his ability to participate in war in any form until the day before his unit was scheduled to deploy to Afghanistan. This occurred only after he had been in contact with an anti-war advocacy group."

The bold text in the above paragraph is incorrect. SGT Bishop did testify at his C.O. hearing that (1) serious moral qualms arose during his deployment to Iraq, (2) that he continued to explore those concerns while home in the United States, (3) he sought divine guidance through the reading of scripture and prayer, (3) he talked about his concerns with friends and fellow brothers in arms, and (4) at some point his doubts turned into beliefs, that eventually crystallized into a solid objection to all forms of war. These events happened **before** he met the individuals who told him of his legal right to file for C.O. status.

XI. Discussion of the Hearing Transcript

We have objected to many things about this proceeding, but this is one thing that was done right. We appreciate the fact that there is a verbatim transcript, and ask simply that the review board take the time to read for themselves what SGT Bishop said.

XII. Discussion of the Positive Psychiatric Evaluation

We ask that you take note of the positive recommendation of clinical psychologist, Michael L. Adams, PhD., LTC (ret.), as well as to consider his testimony at SGT Bishop's C.O. hearing; Dr. Adams stated in his testimony that, in his years at Fort Hood, he has interviewed dozens of C.O. applicants, but only recommend three for approval, one of those being SGT Bishop.

XIII. Hand-written statement by SGT Travis Bishop

One of the attached documents is a hand-written statement by SGT Bishop (written while in the Bell County jail). In case there are problems reading his handwriting (he had to fit his statement onto a double-sided letter-sized piece of notebook paper), I have typed the text of his statement below...

21 Aug 09

To whom it may concern,

To say that my claim to be a conscientious objector is insincere and completely false is confessing blind ignorance to the words of my claim itself. My feelings and my ever-broadening belief structure are echoed through every paragraph and question on my C.O. Application. And continuing to ignore my words, (my words and mine alone), shows complete disregard to the C.O. Process itself. Those who continue to ignore my words are not doing justice to the C.O. Application process.

As to my videos: I am a war resister, and a conscientious objector. I do not have to choose. As to my cheerful demeanor, my decision was an

incredibly difficult one, but once made, I still felt as if a huge weight had been lifted off of my shoulders. I am allowed to feel good about that.

The statement made by SGT Carter is 100% false. Carter was facing UCMJ charges for marijuana abuse and it is my firm belief that his statement was coerced, and that his statement would lessen my punishment. He was chaptered out of the Army as an E-4 for marijuana abuse. I think that is the lightest sentence for drug abuse I have ever heard of. I never told him that I intended not to deploy. He lied in his sworn statement, and I believe his "punishment" is a testimony to that.

My timing is regrettable, I know that. But to say my claim insincere based on timing is wrong. 100% wrong, and an insult to the C.O. Process. I have lost friends, good friends, alienated family members, And yet I press on. Someone who is insincere does not pay the prices I have paid, and yet I am here, writing this rebuttal.

I have been punished for my crimes. The UCMJ saw fit to put me in jail. And now I will be there the next year of my life, and nothing will change that. But it is still important to me to be classified as a C.O., even though it will not affect my sentence. And why is it so important to be recognized as a C.O.? Why do I still fight for this title? It's simple.

Because I truly am a conscientious objector.

My statements are mine and mine alone. I am handwriting this statement in a jail cell, no lawyer to "coach" what I am saying. This is all me.

A lot of soldiers, I'm sure will see the C.O. Process as a way out; a loophole. But I do not. Regrettable timing or not, as soon as I realized what a C.O. was, and that my belief structure was the same as a C.O.s, I applied to be one. Do not listen to the indoctrinated words of the recommending authorities. Listen to mine. Or come to my prison. Look into my eyes. Grant me this status, for it is who I truly am.

Thank you.

(signed)

PVT David T. Bishop

Bell County Law Enforcement Center

Conclusion

We believe AR 600-43 has not been followed. The specific and most egregious breaches are:

1. LTC Leininger's interview was too short to effectively satisfy the statutory requirements.
 2. LTC Leininger did not sufficiently address the specific nature of SGT Bishop's personal beliefs.
 3. LTC Leininger unfairly judged SGT Bishop because of factors that are not requirements for C.O. status, namely his not being part of a local church, the fact that he is an Evangelical Christian, and that LTC Leininger is not part of a "pacifist religious body."
 4. CPT Hall and 1SG Gall wrote letters that contained two identical paragraphs, calling into question whether their statements can be trusted as actually statements that reflect their individual views.
 5. Both CPT Hall and 1SG Gall violated AR 600-43 in basing their judgment on the mere fact that SGT Bishop has political beliefs. As discussed above, the *Welsh* decision makes it clear that a valid C.O. can have both political and religious/conscientious objections to war.
 6. Both CPT Hall and 1SG Gall make the mistake of assuming that a soldier must have always been a C.O. to be recognized as a C.O., in that they both stated that SGT Bishop could not be a C.O. at this time if he previously deployed to Iraq.
 7. CPT Mein displayed his obvious personal bias when he referred to SGT Bishop's alleged "distasteful comments" about LTC Leininger, who he then referred to as "my brigade chaplain."

Based on these failures to follow AR 600-43, we believe justice demands that SGT Bishop either be immediately classified as a C.O., or that a new C.O. proceeding take place (with different individuals performing the chaplain's interview and serving as Investigating officer).

Please do the right thing. SGT Bishop went to prison because of his faith and his conscience. I know of no stronger testimony to what he believes in than that. He should be granted C.O. status. AR 600-43 § D-4 (b) says in part:

A conscientious objector is one whose conscience . . . allows him or her no rest or inner peace if he or she is required to fulfill the present military obligation.

Please compare this with this regulation, with this excerpt from a blog post written by SGT Bishop which is part of the record provide by CPT Mein:

My father said, "Do only what you can live with, because every morning you have to look at your face in the mirror when you shave. Ten years from now, you'll still be shaving the same face."

If I had deployed to Afghanistan, I don't think I would have been able to look into another mirror again.

Pray for me.

Thank you very much for your time and consideration of this matter. Please do not hesitate to contact me if I can answer any question or be of assistance.

Sincerely,

James M. Branum
Attorney at Law

Travis Bishop
SGT, U.S. Army

Enclosures:

1. "A Sad day for America, a sad day for Christians" by Mr. Thad Crouch (Roman Catholic Layperson, U.S. Army veteran)
2. Statement of Dr. Rev. Jim Rigby, St. Andrew's Presbyterian Church, Austin, TX
3. Statement of Rev. Donald Bobb, Retired Minister, Presbyterian Church (USA)
4. Statement of Rev. Judith Liro, St. George's Episcopal Church-St. Hildegard's Community, Austin, TX
5. Statement of Rev. June Wilkins, Associate Pastor, St. Martin's Lutheran Church, Austin, TX
6. Personal hand-written rebuttal statement by SGT Travis Bishop
7. Amnesty International statement dated August 24, 2009 declaring Travis Bishop a "prisoner of conscience/Conscientious Objector"

A Sad Day for America, a Sad Day for Christians

August 14, 2009

by Thad Crouch

I wept at Conscientious Objector (CO) Sgt. Travis Bishop's court martial, but not for Travis, though his imprisonment saddens me and I hold him in prayer.

I wept as an American.

I wept as an U.S. Army infantry veteran who served to protect freedom.

I wept especially as a Catholic after hearing the testimony of a Christian chaplain, Lieutenant Colonel Ron Leininger. I did not cry because LTC Leininger recommended that Travis not be considered for legal CO status. I shed no tears that he judged Travis's beliefs to not be sincerely and deeply held. I knew that prior to the trial.

When asked by the defense if LTC Leininger knew of any religions that might require someone to break the law to follow their conscience the chaplain responded under oath, "Sadly." Responding to the question were citizens in the civil rights movement right to break the law he stated, "I'm sure thought they were." Leininger further stated that when following conscience one must "ALWAYS follow... civil law."

Has he not read Acts 5:29 "... better to obey God rather than men" or that our nation's founders chose conscience over British law?

Does this minister not recall why Daniel ended up in a lions' den, how women got the vote, why the heroes who stopped the My Lai Massacre were given Soldier's Medals?

Has he forgotten that the Israelite mid-wives disobeyed Pharaoh by not murdering babies, or that George Washington became a British traitor because of his democratic ideals?

To follow the way of Christ Incarnate and proclaim the Gospel of Life in a culture of death and violence often means the Body of Christ Incarcerated.

Friday, August 14th , 2009, was a sad day for Christians and Americans, not just because a soldier was imprisoned for following the nonviolent Jesus to love his enemies.

No surprise there.

It was a sadder day because of this:

An educated American leader--one who rose to the rank of Lieutenant Colonel, one who is both an officer in the military of a nation founded on disobedience, and also a minister in a

faith whose chief symbol is that of its founder's execution for disobeying authorities--cannot or will not so much as acknowledge that sometimes putting conscience above authority is the right thing to do.

Sgt. Bishop was failed by a system that did not inform him of his rights to file CO.

LTC Leininger, as well as the nation and church he serves, were somehow failed by both the American education system and the seminary training that graduated and ordained him.

I truly hope Leininger is gifted in other areas of his ministry to the very real and pressing needs of our military families.

I pray for Travis Bishop, but I also pray for Ron Leininger with a deeply-held sincerity, because his spiritual and human development may need more of our prayer than Travis.

In Christ's Peace,
Thad Crouch
US Army Veteran
Austin, TX

From: <jrigby0000@aol.com>
Date: Thu, Aug 13, 2009 at 8:08 AM
Subject: Letter of support

To whom it may concern:

I am a Christian Minister in Austin Texas, writing a letter of support for Travis Bishop in his conscientious objection to serving in Afghanistan.

I understand the argument that Travis Bishop signed up for military duty and is responsible for fulfilling the promise he made to his country. But I also know that many young soldiers sign up for duty believing that a given war is being fought to protect our country, or to spread democracy. Once they hit the ground they slowly and sickeningly begin to realize that they were recruited under false pretenses. The population they have been sent to "liberate " does not want them there. Slowly they begin to put the pieces together, or perhaps that is too terrible. Perhaps instead, they come apart. In either case they suddenly come to realize there is a human being at the other end of their rifle who is not the animal they were told to expect.

Every nation tells its young soldiers they fight for a noble cause. Sometimes those stories are true, often they are not. At that point the young soldier is in crisis. Killing another human being is the most serious act a human being can commit. When soldiers volunteer, they assume they are being told the truth. But, now, everything looks different. Looking at a human being through the barrel of a gun must surely re-orient everything else about one's world. Is it any surprise that a soldier, even one who did not go to religious services, would suddenly remember the teaching not to kill?

In that crisis, the soldier must now either pull that trigger, renouncing the voice of conscience, or lay down the weapon, facing universal condemnation from those who still believe the cause is noble. At that point it is the rest of who face the crisis. Do we send the soldier to prison to make them invisible, or do we hear the truth they have to say?

The church where I serve allows homeless people to sleep on our grounds. Often they are former soldiers. The yellow ribbons we waived at their induction are nowhere to be seen. They now eat out of dumpsters because we do not have the courage to see what they have seen. In order to keep believing all our causes are just, we must make them invisible. Sending Travis Bishop to prison will make him invisible, but it will not make our cause just.

I repeat, killing another human being is most serious act any of us can commit. Travis Bishop came to believe that surrendering his conscience in this matter, was to renounce Christ. It was Christ who said we cannot serve two masters. We cannot say that Christ is head of our conscience, and then surrender our conscience to anyone else, including the army. Perhaps you are asking, "How can we maintain an army and defend our freedoms if everyone has a right of conscience not to serve?" My question is: what freedoms are left to defend if they do not?

Sincerely,
Rev. Jim Rigby,
Pastor, St. Andrew's Presbyterian,
Austin ,Texas,
jrigby0000@aol.com

From: Donald Bobb <donaldbobb7@grandecom.net>

August 12, 2009

To Whom It may concern:

It is my privilege to add my support to that of other clergy in the case of Travis Bishop, who is facing court martial for his religious beliefs as a conscientious objector.

Though I do not know Travis personally, I have heard convincing statements from him and read his blog. It is my personal conviction that the Prince of Peace, whom he serves and whose followers we profess to be, is behind Travis' certitude that he must as a matter of conscience refuse to continue serving in the Armed Forces. It is so easy to go to war. It is much harder to engage in peaceful negotiations and work towards reconciliation of our differences. The Jesus way demands perseverance, faithfulness, humility, loyalty and an abundant amount of prayer. I feel that Travis epitomizes these qualities and is to be honored for the risk he is taking.

Therefore, I plead with the judge and the court to grant Travis Bishop a listening ear and an open heart.

Our country needs young people with a conviction to work towards peace and justice for all. I admire Travis for daring to take this stand and risk future penalties.

I am a retired Presbyterian minister, having served in Africa for many years and in several pastorates in the USA, more recently, at Hyde Park Presbyterian Church in Austin, Texas. I regret not having letterhead stationery stating my previous ministerial background as well as my having to email this message so quickly, given that I must leave town early tomorrow morning. But I do hope that my support will be given due consideration, along with that of other clergy who are standing in support of Travis Bishop.

Respectfully yours,

Rev. Donald Bobb,
Minister, Presbyterian Church (USA)

St. George's Episcopal Church
St. Hildegard's Community

4301 N. IH 35
Austin, Texas 78722

The Rev. Judith Liro
Associate Rector

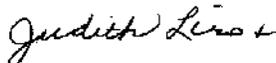
August 13, 2009

Re: Sgt. Travis Bishop

To Whom It May Concern:

I am writing in support of Sgt. Travis Bishop in hope that he will be granted an honorable discharge from the Army and will not be sentenced to jail. I believe it is in everyone's best interest, including the Army, to see that he has a fair hearing as he seeks Conscientious Objector status. The fact that he has served a tour in Iraq and began to have and express doubts about the morality of his actions upon his return sounds similar to veterans I have known personally whose conscience was awakened in the course of serving in the military. As you know it is not necessary to be a part of a denomination or a particular faith community that objects to war but an individual does have a right to exercise his or her own conscience and have that taken seriously by the U.S. Military. Having been ordained for twenty-five years, I am well aware of a shift in society toward standing up for personal belief with less connection to being part of a church that forms that belief or expresses it. With this shift I think the Army will see more applications made on basis of individual conscience. These cases are no less sincere but may appear to be so because they don't have the benefit of the faith community's tradition and guidance. I believe it is highly likely that Sgt. Bishop is authentically trying to act in good conscience and did not receive the consideration nor the support that he deserved when his case was reviewed by Chaplain Leininger. Of course none of us were present at the interview and it is futile to know with any certainty what happened. However, because there is doubt raised about the interview itself, whether the Chaplain was fully present and not distracted, took it seriously and was open to a case of individual conscience, I would hope that Sgt. Bishop's case might be reconsidered. Sending him to jail on the basis of what appears to be a hasty interview by one chaplain does not seem an honorable way to proceed. It doesn't appear to be in the best interest of either the Army or the Chaplain or Sgt. Bishop. Surely there is a better way for a soldier who has already served his country in Iraq.

Faithfully,



The Rev. Judith Liro



ST MARTIN'S
LUTHERAN
CHURCH

August 11, 2009

To Whom It May Concern:

My name is Rev. June Wilkins and I am Associate Pastor of St. Martin's Lutheran Church in Austin, TX. I am writing in support and solidarity with Travis Bishop, a member of our armed services who is facing court martial on August 14th because of his beliefs and objections to the war that our country is involved in with Iraq and Afghanistan.

It may be seen as a contradiction that he came to these conclusions after his initial deployment to Iraq, but I believe that experience can change a person's heart and help them to see things clearer. Our denomination supports conscientious objection and believes that a person doesn't have to be opposed to all forms of violent conflict in order to be considered a bona fide conscientious objector.

I whole heartedly support Mr. Bishop's objection to this war and to his deployment. He seems to have given this matter a great deal of thought and he is willing to face consequences with integrity. It would be a shame, though, to see him put into confinement because of his conscious.

I urge you to do the moral thing and recognize his status as an objector and to let him be a productive member of society instead of an inmate because of his religious beliefs.

Sincerely,

A handwritten signature in black ink, appearing to read 'June Wilkins', with a long, sweeping horizontal line extending to the right.

Rev. June Wilkins
Associate Pastor
St. Martin's Lutheran Church