

Military Culture Coalition

1615 L Street, NW, Suite 650
Washington, D.C. 20036

Major General William H. McCoy, USA
Acting Inspector General of the U.S. Army
Attn: Investigations Division
1700 Army Pentagon
Washington, D.C. 20310-1700

October 13, 2010

Subject: Request for Army Inspector General Investigation of Reported Incident Involving Lt. Gen. Thomas Bostick, USA

Dear General McCoy:

We are writing to you as representatives of the Military Culture Coalition, a network of organizations that support retention of the current law regarding homosexuals in the military, Section 654, Title 10, U.S.C., which is usually mislabeled “Don’t Ask, Don’t Tell.”

Our purpose is to request an investigation of an event involving the Army’s deputy chief of personnel, Lt. Gen. Thomas Bostick, and subsequent denials that are in conflict with eyewitness accounts reported by a major newspaper, the *Washington Times*. An immediate, independent investigation is needed to determine what happened in Stuttgart, Germany in August, when General Bostick conducted an “information exchange forum” (IEF) as co-leader of the DoD Comprehensive Review Working Group’s (CRWG) Policy Group.

The enclosed Attachment A provides a timetable of editorials, news accounts and articles that have described the alleged incident. These articles were met with immediate denials that, in our opinion, were less than convincing. An investigation is necessary for the following reasons:

1) Alleged Public Statements Contrary to Good Order and Discipline

Lt. Gen. Bostick reportedly told an assembly of several hundred military personnel in Stuttgart that military personnel who support the current law regarding homosexuals in the military are “bigots” comparable to “racists” who opposed racial integration in the military. The intemperate, unjustified remark and the attitude behind it suggested that anyone harboring or expressing opinions opposing the inclusion of LGBT (lesbian, gay, bisexual, transgendered) personnel in the military, due to religious

conviction or any other reason, would be subject to career-ending penalties.

This attitude directly relates to military retention--one of the major topics assigned for review by the CRWG in its official Terms of Reference (TOR).

2) Alleged Threat Requires Independent, Confidential Investigation

The statement in question constituted a threat, making it difficult to determine exactly what happened. The fact that sources nevertheless came forward indicates that the matter is urgent and important. The sources who spoke with the *Washington Times* in confidence had nothing to gain. It is reasonable to believe that they were primarily motivated by concern for the institution in which they serve. Given the number of the people present at the event in question, it is unlikely that anyone would put their own career at risk to fabricate a story such as this. These individuals deserve protection from reprisal that can only occur with an independent, confidential inquiry. More importantly, members of Congress and the general public should be aware of an apparent institutional mindset that may have given rise to the attitudes attributed to Lt. Gen. Bostick.

3) Assurances/Denials to Date not Satisfactory

When the story first appeared in the *Washington Times*, we (Donnelly and Gaffney) sent separate emails to Mr. Jeh Johnson, asking for more information and expressing concern about the Bostick story's implications. We read the Defense Department's statement denying the story in *Politico*, and received identical email-responses from Mr. Johnson the next day.

Mr. Johnson expressed confidence in Gen. Bostick and skepticism that he had said anything like the words attributed to him. He also said that a review of notes taken during the session in question did not reveal "evidence" of the reported comments. With all due respect, these assurances are not sufficient or satisfactory.

During our meeting with Mr. Johnson on the day before (September 16), he told us that there are no electronic records of IEF meetings—only notes taken by hand. Since IEFs pursued a similar agenda regardless of the location, it is unlikely that staff members would have taken notes on the statements of Lt. Gen. Bostick or other CRWG officials. They were there to record what IEF participants said.

It is even more unlikely that note-takers would write down comments from a three-star general that were so outrageous, an audible gasp was heard in the room. (See letter from civilian eyewitness/letter writer Rob Fulcher, linked in Attachment A.) Junior enlisted personnel or promotable officers, including those hastily interviewed face-to-face or on the phone on the same day that the story broke, would be understandably reluctant to contradict a three-star general on a matter such as this. A thorough and proper investigation requires confidential interviews and protection against career repercussions for all personnel concerned.

4) Apparent Defense Department Conflicts of Interest

Army Chief of Staff General George Casey called the *Times* editor to protest publication of the editorial(s) about General Bostick. And on September 21 Army Chief of Public Affairs Maj. Gen. Stephen R. Lanza wrote a one-page letter to Mr. Sam Dealey, editor of the *Washington Times*. The letter demanded production of “evidence” of the incident and an apology to Gen. Bostick. These high-level attempts to intimidate a major newspaper, which call into question the objectivity of the Army, can only be countered with a full investigation using professional techniques to ensure objectivity.

According to an unconfirmed October 12 report in *Politico*, Army Secretary John McHugh and General Casey have requested an investigation of this incident by the Defense Department Inspector General. With all due respect, we request that this investigation be done by independent military personnel, rather than by civilians associated with the DoD Inspector General. The need for a more independent inquiry is even greater due to the dual role of Mr. Jeh Johnson, who is the DoD General Counsel as well as a Co-Chair of the Comprehensive Review Working Group. Interactions between the Offices of the DoD General Counsel, the DoD Inspector General, and the DoD CRWG create the appearance of a conflict of interest that must be countered by an independent investigation.

5) Plans to Impose “Zero Tolerance” Career Penalties for Disagreement with LGBT Policy

In his September 17 email communication with us, Mr. Johnson did not express any discomfort with what General Bostick reportedly said. Indeed, the general’s alleged statements are not unlike disdainful statements made by a number of LGBT activists, including leaders of the Human Rights Campaign and the Michael D. Palm Center, who promote repeal of the law as a “civil rights” issue. The Center for Military Readiness has received a number of emails from known individuals who participated in CRWG focus groups in the United States. (See Attachment B) The comments CMR has received, which are consistent with the concerns expressed by sources who contacted the *Washington Times*, indicate that a pattern of taking sides in favor of the advocates of repeal has been evident from the beginning of the CRWG process.

6) Internal Documents

Shortly after the *Washington Times* articles appeared, we received information indicating that the Army and probably the other services have circulated slide presentations outlining plans for the CRWG process and its subgroups, and for implementation of a new non-discrimination policy should Congress repeal the 1993 law. According to a source who saw one of these presentations prepared in May or June 2010, the services will employ “zero tolerance” career penalties to enforce compliance with the expected new policy. It is possible that memoranda, directives, briefing papers, slide presentations and other documents relating to this topic may have contributed to the alleged statements of General Bostick. We ask that in the course of an investigation all of these items be reviewed and made public.

7) Credibility of Pending CRWG Report

As far as we know General Bostick is still co-chairing the CRWG's policy committee, in a position to influence the panel's report that is due on December 1, 2010. If published accounts of the incident in question are substantially true, members of Congress who will be receiving the CRWG report just before or during a lame-duck session should have the opportunity to consider whether this has been a good faith effort to "engage the troops," or an exercise with one predetermined outcome. Members of Congress need to know whether apparent presumptions, prejudices, and/or political considerations may have skewed the CRWG report.

It is disturbing that any general officer would label anyone who disagrees with the administration on this issue as a "bigot" and "racist." In numerous debates and in written documents, leading LGBT advocates do not deny their desire for "zero tolerance" of dissent—some using derogatory words that are as inflammatory as those attributed to General Bostick.

Without an independent, disinterested investigation, Congress will be less prepared to make an informed decision on the product of the CRWG. And as things stand now, the perception of bias could affect the retention of experienced active-duty personnel, including but not limited to chaplains who do not support the LGBT agenda. Thousands of personnel could be lost for two equally-important reasons: a) voluntary departures from the service, or b) career penalties leading to involuntary discharges that are the result of "zero tolerance" policies presaged by General Bostick's reported remarks.

Given the conflicting accounts and the notoriety associated with this incident, an independent, disinterested Army IG investigation is the only way to get to the bottom of what happened. If an objective investigation reveals that Lt. Gen. Bostick made statements even close to those attributed to him, and then subsequently denied what he said, appropriate action should be taken to hold him and others involved accountable.

We would appreciate immediate consideration of this request for investigation, and look forward to hearing from you soon.

Sincerely,



Elaine Donnelly
President, Center for Military Readiness



Frank Gaffney
President, Center for Security Policy

Enclosures

CC: The Hon. Jeh Johnson and General Carter F. Ham, USA, Co-Chairs, CRWG
Members, CRWG
Military Culture Coalition