



AFSF-SVA-DBO

03 March 2021

MEMORANDUM FOR Commander, 5th Battalion, 3rd Security Force Assistance Brigade, Fort Hood, Texas 76544-5010

SUBJECT: AR 15-6 Investigation into Chaplain (MAJ) Andrew E. Calvert Report of Investigation

1. On 03 February 2021, LTC Cox, the commander of 5th Battalion, 3SFAB appointed me as an investigating officer (IO) pursuant to AR 15-6. The purpose of this investigation was to determine the facts and circumstances surrounding allegations of potential online misconduct by Chaplain (MAJ) Andrew E. Calvert, specifically alleged gender identity discrimination and political activity.

2. SUMMARY: I have found by a preponderance of evidence that Chaplain (MAJ) Andrew E. Calvert violated; AR 600-20, paragraph 6-2, DoDD 1344.10, paragraph 4, and also DoDD 1344.10, para 4.1.2.6 and recommend that his case be referred for a General Officer Memorandum of Reprimand and be retrained on applicable policies and regulations.

3. FACTS:

a. On 25 January 2021, MAJ Jeff Grimes (Brigade PAO) received a Direct Message (DM) via the 3rd SFAB Facebook account from a concerned citizen about a Facebook post from Chaplain (MAJ) Andrew Calvert's (3rd SFAB Chaplain) Facebook account. The cited post was in response to an Army Times article "Source: Biden to drop Trump's military transgender ban" (Exhibit A). In the post (Exhibit B), MAJ Calvert questions "how is rejecting reality (biology) not evidence that a person is mentally unfit (ill), and thus making the person unqualified to serve." and further states "This person is a MedBoard for Mental Wellness waiting to happen. What a waste of military resources and funding!" MAJ Calvert later makes several replies in the comments section (Exhibits C, D, and E) defending his original position.

b. Multiple other individuals sent DMs to the 3SFAB Facebook account reference MAJ Calvert's post, some of the DMs included screenshots of older posts by MAJ Calvert that were thought to be out of line with his position as an Army Chaplain (Exhibits F, G, H, and I) as well as a screen shot of his Facebook homepage (Exhibit J). In MAJ Calvert's Facebook profile picture (Exhibit I), he is shown in his military uniform. His name and rank are visible. His current employment is listed as "Brigade Chaplain at 3rd Security Force Assistance Brigade."

c. Subsequent investigation revealed that MAJ Calvert had shared a post (Exhibit E) on his Facebook entitled "11 Reasons Why Christians Should Vote for Trump." The shared post shows a clickable video with two persons in conversation. The video was also shared from a Facebook account showing MAJ Calvert in his military uniform. MAJ Calvert shared another post (Exhibit G) from "Silent Majority Trump 2020," with a quote from Joe Biden and a response from Ronald Reagan. Since the incident, MAJ Calvert's Facebook page, and all of his posts, appear to have been deleted by MAJ Calvert.

4. FINDINGS: After a thorough review of the evidence, appropriate Army and DOD regulations and policies, and careful consideration I find the following:

a. Question 1 – Do MAJ Calvert's social media posts violate AR 600-20, paragraph 6-2, and III Corps and Fort Hood CG Policy Letter #4, discrimination based on gender identity: I find that the preponderance of evidence shows MAJ Calvert's comments are discriminatory against persons based on gender identity, in that, AR 600-20, para 6-2.b. states:

"Discrimination occurs when someone, or a group of people, is harassed, intimidated, insulted, humiliated, or is treated less favorably than another person or group, because of their race, color, sex (to include gender identity), national origin, religion, or sexual orientation. It includes use of disparaging terms with respect to a person's race, color, sex (to include gender identity), national origin, religion, or sexual orientation which contributes to a hostile work environment. "

(1) Chaplain Calvert's comments in his first post (Exhibit B) refer to persons who are transgender or have Gender Dysphoria as; "mentally unfit (ill), and thus ... unqualified to serve.", "...a MedBoard for mental wellness waiting to happen" and "What a waste of military resources and funding!" And in a subsequent post (Exhibit C) refers to transgenderism as a "delusion" and "make-believe social whim of the moment".

(2) These comments specifically fit the definition of Disparaging Terms towards persons that are transgender or have Gender Dysphoria. Disparaging Terms are defined in AR 600-20 as:

"Terms used to degrade, belittle, insult, or negative statements pertaining to race, color, sex (including gender identity), national origin, or religion. These terms include insults, printed material, visual material, signs, symbols, posters, or insignia. The determining factor whether a term is disparaging is not the intent but the impact it has on the recipient or a reasonable person. The use of these terms may contribute to an unlawful hostile work environment if it occurs with respect to a person's race, color, sex (including gender identity), national origin, or religion and must not be tolerated."

(3) The important distinction in the definition of Disparaging Terms is that the determining factor is not the intent but the impact it has on the recipient or a reasonable person. In my interview with Chaplain Calvert, and his Sworn Statement (Exhibit K), Chaplain Calvert stated "My intent was and is not to demean or devalue the human dignity of any individual". While his intent may not have been to demean or devalue, the comments were seen by others as disparaging as evidenced in the message thread (Exhibit L), and through the one informal complaint filed with III Corps IG against Chaplain Calvert (Exhibit M), further indicating the same perception of Gender Identity discrimination through the use of disparaging comments.

b. Question 2 – Do MAJ Calvert's social media posts meet the definition of "Online Misconduct" found in AR 600-20, paragraph 4-19 and III Corps and Fort Hood CG Policy Letter #5: I find that the preponderance of evidence shows that MAJ Calvert's social media posts related to the article are in violation of the above regulation and Policy Letters.

(1) Online misconduct is defined as: the use of electronic communication to inflict harm. Examples include, but are not limited to: harassment, bullying, hazing, stalking,

discrimination, retaliation, or any other types of misconduct that undermine dignity and respect of another person(s).

(2) MAJ Calvert's use of the Army Times Facebook page to post his aforementioned comments (Exhibit L) qualifies his action as "the use of electronic communication to inflict harm". The harm inflicted in this case is the use of disparaging terms to discriminate against transgender persons or those with Gender Dysphoria as outlined in the answer to Question 1.

c. Question 3 – Do any of MAJ Calvert's other social media posts require analysis for potential gender identity discrimination?: I have found no additional social media posts from MAJ Calvert that require further analysis for potential gender identity discrimination. MAJ Calvert's Facebook account was deleted due to him receiving unwanted communications and threats from people upset by his comments, removing all of his posts and limiting access to only the screen shots sent into the brigade and those provided by MAJ Calvert.

d. Question 4 – Do any of MAJ Calvert's social media posts violate rules on political activity found in DoDD 1344.10 or any other regulations, policies, or laws pertaining to political activity?: I find that the preponderance of evidence shows that MAJ Calvert violated regulations and policies concerning political activity.

(1) DoDD 1344.10 states in paragraph 4.1.2.6 that service members may not "participate in any radio, television, or other program or group discussion as an advocate for or against a partisan political party, candidate, or cause."

(2) The "US Army Guidance on Political Activity and DOD support" found at <https://www.army.mil/SOCIALMEDIA/SOLDIERS/> (Exhibit N) further clarifies by stating that service members "Cannot post links to, "share", or "retweet" comments or tweets from a Facebook page or Twitter account of a political party or candidate running for partisan office. Such activity is deemed to constitute participation in political activities."

(3) MAJ Calvert's Facebook posts (Exhibits E and G) violate the above guidance in that they are both posts that are partisan in nature and solicit votes for a political candidate. And as they were posted on an open Facebook page, they can be considered as being part of a group discussion for a political candidate.

e. Question 5 – Do any of MAJ Calvert's online postings violate any other DOD or Army Policy not mentioned above?: I have found no additional evidence to support the violations of any other DOD or Army policies or regulations on MAJ Calvert's part.

5. RECOMMENDATIONS: I find sufficient evidence to support allegations that Chaplain (MAJ) Andrew Calvert has violated DoD and US Army Regulations and Policies in relation to discrimination based on Gender Identity and Political activity. I recommend the command forward this investigation to the GCMCA for MAJ Calvert to be issued a General Officer Memorandum of Reprimand for his actions and that he be retrained on EO and Political Activity by service members to prevent further incidents. Additionally recommend that the brigade conduct training on Online Activity and Political Activity by Service Members. It became clear through my research, interviews, and informal polling that both issues are not fully understood across the formation.

My Disagreement w/ Gender Identity Dysphoria is directly Related to my Religious Dogma, which is also Protected.

6. The point of contact for this memorandum is the undersigned at [REDACTED], or [REDACTED]

GRIMM.SIMON.PE
TER [REDACTED]

Digitally signed by
GRIMM.SIMON.PETER [REDACTED]
Date: 2021.03.04 10:50:49
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SIMON P. GRIMM
LTC, IN
Investigating Officer

Exhibits:

- A. (Army Times Article)
- B. (Facebook Post 1)
- C. (Facebook Post 2)
- D. (Facebook Post 3)
- E. (Facebook Post 4)
- F. (Facebook Post 5)
- G. (Facebook Post 6)
- H. (Facebook Post 7)
- I. (MAJ Calvert FB Page)
- J. (Sworn Statement MAJ Grimes)
- K. (Sworn Statement Chaplain Calvert)
- L. (Complete FB message thread) *Not Included*
- M. (Sworn Statement MSG George)
- N. (US Army Guidance on Political Activity and DoD Support)